

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.13095 of 2005

A.Rajaram

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by The Secretary to Government,
Labour and Employment Department,
Fort St. George,
Chennai-600 009.

2.The Chief Inspector of Factories,
Chepauk,
Chennai-600 005.

3.The Joint Chief Inspector of Factories
(Productivity Cell),
617, Mount Road,
Chennai-600 006.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to disburse the salary due to the petitioner in the post of Superintendent for the period starting from 15.9.2001 to 17.2.2002.

For Petitioner : M/s.Karthik and Mukundan

For Respondents : Mr.G.B.Rajesh,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the third respondent to disburse the salary due to the writ petitioner in the post of Superintendent for the period starting from 15.9.2001 to 17.2.2002.

2. The writ petitioner was appointed as Assistant Inspector of Labour in the Labour Department in the year 1980. When the writ petitioner was working as Superintendent in the office of the second respondent since 14.12.2000, the writ

petitioner was transferred. On account of certain disputes in respect of the transfer, the writ petitioner was unable to join in the transferred place and on account of this, the writ petitioner was proceeded on leave from 31.7.2001 to 16.9.2001.

3. The writ petitioner states several reasons for the purpose of claiming salary for the period starting from 15.9.2001 to 17.2.2002. All those reasons stated in the affidavit filed in support of the present writ petition need not be adjudicated at this point of time.

4. In view of the fact that the respondents are yet to consider the case of the writ petitioner with reference to the representations submitted by him, the Authorities Competent are bound to consider the merits and the demerits of the matter, take a decision and pass orders in accordance with law.

5. This being the factum, the second respondent is directed to consider the representations submitted by the writ petitioner on 24.9.2002, 27.11.2002 and 17.9.2004, and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copies of the representations and the relevant documents, if any, along with the order passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

Svn

To

1. The Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai-600 009.

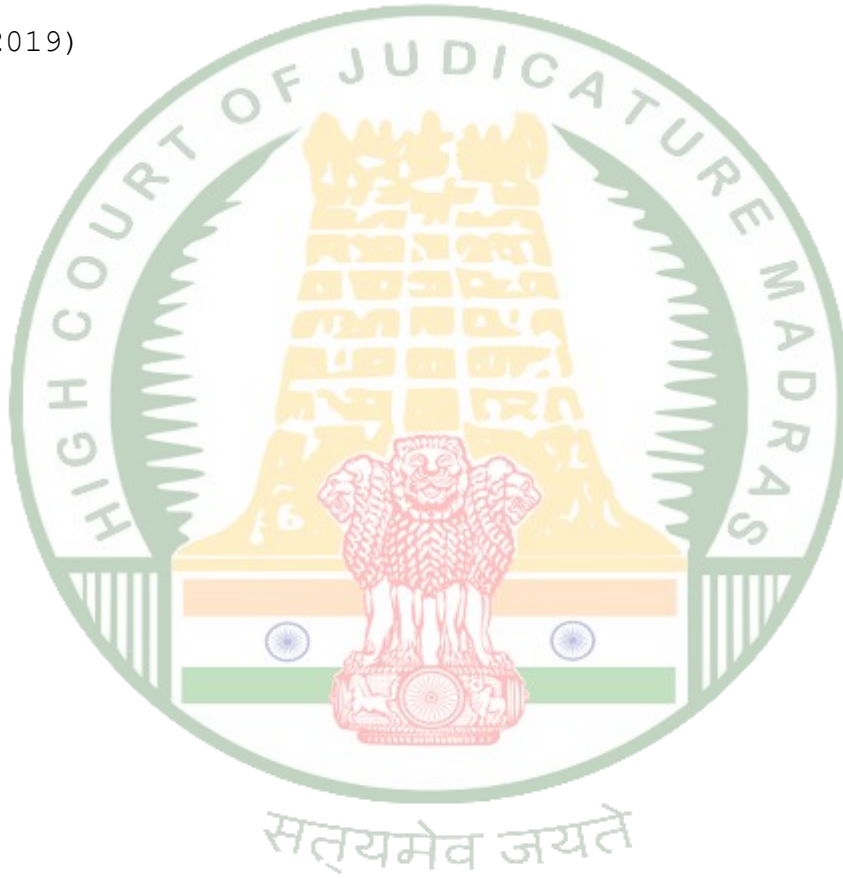
2. The Chief Inspector of Factories,
Chepauk,
Chennai-600 005.

3.The Joint Chief Inspector of Factories
(Productivity Cell),
617, Mount Road,
Chennai-600 006.

+1 CC to Mr. Karthick, Advocate sr 84307
+1 CC to Govt. Pleader sr 84466.

WP No.13095 of 2005

KK(CO)
SP(02/01/2019)



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