

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28333 of 2013

and

M.P.No.1 of 2013

C.Masilamani

... Petitioner

vs.

1. The Special Secretary,  
Social Welfare and Nutritious  
Meal Programme,  
Secretariat,  
Chennai-600 009.

2. The District Collector,  
Collector Office,  
Villupuram,  
Villupuram District.

3. The Commissioner,  
Gingee Panchayat,  
Gingee, Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the <sup>1st</sup> respondent the Special Secretary to Government, Social Welfare and Nutritious Meal Programme, Secretariat, Chennai-600 009 and the 2<sup>nd</sup> respondent i.e. The District Collector, Collector Office, Villupuram, Villupuram District to consider the petitioner's representation dated 26.03.2013.

For Petitioners : M/s. K. Jayaraman

For Respondents: Mr.V.Jayaprakash Narayanan  
Spl. Government pleader.

O R D E R

The grievance of the writ petitioner is that, the period of his absence from 15.06.2007 to 17.10.2008 has not been regulated as duty with salary.

2. The learned counsel for the writ petitioner states that, the said period ought to have been treated as duty with salary enabling the writ petitioner to get benefit of service and other consequential service benefits. The representation submitted in this regard by the writ petitioner has not been considered and no order has been passed in this regard.

3. The Learned Special Government Pleader appearing on behalf of the respondents relying on the counter has stated that, the claim of the writ petitioner had already been considered and the period has been regulated as loss of pay. Though it is stated in the counter that, the period has been regulated as loss of pay, the same did not reveal with the order passed in the final proceeding.

4. There is no reference in respect of any such proceeding in counter statement filed by the 2<sup>nd</sup> respondent. Thus this Court is of the opinion that, in respect of the grievance of the writ petitioner for regulating the period of the absence, an order must be passed by the competent authority on merits and in accordance with the rules in force.

5. The leave eligibility of the writ petitioner shall be considered for the purpose of regulating the period. In this view of the matter, the 2<sup>nd</sup> respondent is directed to consider the representation submitted by the writ petitioner on 26.03.2013 and pass orders on merits and in accordance with law, within the period of 12 weeks from the date of receipt of a copy of this order.

6. The writ petitioner is directed to enclose a copy of the representation and relevant documents along with the order passed in the present writ petition. Accordingly the writ petition stands disposed of. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

pkn

To

1. The Special Secretary,  
Social Welfare and Nutritious

Meal Programme,  
Secretariat,  
Chennai-600 009.

2. The District Collector,  
Collector Office,  
Villupuram,  
Villupuram District.

3. The Commissioner,  
Gingee Panchayat,  
Gingee, Villupuram District.

+1cc to Mr.K.Jayaraman, Advocate SR.No.63005

+1cc to Mr.V.Jayaprakash Narayan, Advocate SR.No.62917

W.P.No.28333 of 2013  
and  
M.P.No.1 of 2013

GMV (18/09/2018)



WEB COPY