

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 26.11.2018  
CORAM  
THE HON'BLE DR.JUSTICE S.VIMALA  
W.P.No.31082 of 2018

Ganesan

... Petitioner

Vs

The Principal Chief Conservator of Forest  
Panagal Building, Saidapet, Chennai-15.

... Respondent

For Petitioner : M/s.T.Dharani

For Respondents : Mr.K.K.Ramesh  
Government Advocate

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider pass order on the petitioners representation dated 08/11/2017 to treat the period of absence of duty to the date of reinstatement as duty for all purpose and pay the monthly salary accordingly in light of the Fundamental Rule 54-A(3).

O R D E R

The petitioner, who was serving as a Record Clerk, was issued with a charge memo for neglect of duty and unauthorised absence. The order of dismissal passed after enquiry, was challenged by him in the W.P.No.20031 of 2012 and this Court allowed the writ petition. Thereafter, the petitioner was reinstated into service on 18.07.2012.

2. The petitioner made a representation to the respondents dated 08.11.2017 to treat the period between date of dismissal and date of reinstatement as duty period for all purpose and pay monthly salary accordingly in the light of the Fundamental Rule 54-A(3). As the same was not considered, the petitioner has approached this Court by way of this writ petition.

3. Heard the learned counsel for the petitioner and Mr.K.K.Ramesh, learned Government Advocate, appearing for the respondents.

4. Learned counsel for the petitioner has relied upon the provisions of Fundamental Rule 54-A(3) and the same reads as follows.

“(3) If the dismissal, removal or compulsory retirement of a Government Servant is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.”

5. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 08.11.2017 in terms of F.R.54-A(3) and pass orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

The Principal Chief Conservator of Forest  
Panagal Building,  
Saidapet, Chennai-15.

+1cc to M/s.T.Dharani, Advocate, S.R.No.80228  
+1cc to the Government Pleader, S.R.No.80370

WEB COPY

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SSV(CO)

rrs 19/12/2018