



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2570 of 2018

M.Shajahan,
Office Assistant,
Madurai Institute of Social Sciences,
9, Alagarkoil Road, Madurai-625002,
Madurai District.

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002, Madurai District.

2.The Secretary,
Madurai Institute of Social Sciences,
9, Alagarkoil Road, Madurai-625002,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to permit the petitioner herein to join duty as Office Assistant in the second respondent college within a reasonable time.

For Petitioner : Mr.E.V.N.Siva

For Respondents : MrM.Jeyakumar for R1
Additional Government Pleader
: Mr.P.Chandra Bose for R2

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner is employed in the second respondent/Institution as Office Assistant. He appears to have gone on leave from 16.09.2017.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel appearing for the second respondent would point out that it was not a case of leave, but one of absence



from duty. It is also seen that the second respondent has issued a charge memo dated 04.11.2017. The grievance of the petitioner is that though he wanted to report for duty, he has not been allowed to join duty.

5. Per contra, the learned Standing Counsel appearing for the second respondent would submit that letters were sent to the petitioner, but it is the petitioner who willfully remained absent.

6. Be that as it may, the un-disputed fact is that the petitioner is not under suspension. When a person is not under suspension, he is definitely entitled to report for duty. In this view of the matter, the second respondent is directed to permit the petitioner to join duty forthwith. This Court is not expressing any opinion on the other aspects of the matter.

7. With this observation, the Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002, Madurai District.

+1cc to M/S.E.V.N.SIVA, Advocate SR.No.50892.
+1cc to M/S.P.CHANDRA BOSE, Advocate SR.No.50744.
+1cc to Special Government Pleader in SR.No.51311.

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tsg
SDS/SV:MMS/SAR 4/26.02.2018/2P/5C