

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.13018 of 2014**

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S.Selvaraj

... Petitioner

Vs.

1. Government of Tamil Nadu,
represented by its Secretary,
Highways Department,
Chennai.

2. The Principal Director,
Office of Principal Director
Highways Department,
Chepauk,
Chennai-600 005.

3. The Divisional Engineer (Regular)
Construction and Maintenance,
Highways Department,
Tiruchy Road,
Thirukokarnam,
Pudukkottai-622 002.

4. The Divisional Engineer,
NABARD and Village Roads,
East Main Street,
Upstairs of Canara Bank,
Pudukkottai.

... Respondents

PRAYER: Writ Petition is filed under, Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service for the period from 01.11.2010 to 25.02.2012 and disburse the salary for the said period.

For Petitioner : Mr.P.Thiagarajan

For R1 to R4 : Mr.M.Jeyakumar

Additional Governance Pleader

**ORDER**

The relief sought for in the writ petition is to direct the respondents to regularize the petitioner's service for the period from 01.11.2010 to 25.02.2012 and disburse the salary for the said period.

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2.The learned counsel for the writ petitioner states that the petitioner was employed as an Office Assistant in the Highways Department and on account of a registration of a criminal case, the petitioner was arrested and disciplinary proceedings initiated against the writ petitioner ended with an order of punishment of stoppage of increment for one year with cumulative effect. Accordingly, the departmental disciplinary proceedings were concluded. However, in the interregnum period, during which, the writ petitioner had not attended duty is yet to be regulated. Thus, the writ petitioner is constrained to move the present writ petition.

3.The learned counsel for the writ petitioner states that the Divisional Engineer, Highways Department, Pudukottai, forwarded the case of the writ petitioner for regulating the period of absence in proceeding dated 31.01.2016 to the second respondent. The said proposal is kept pending for the past three years and no final order has been passed.

4.The learned Additional Government Pleader made a submission that the writ petitioner was arrested in a criminal case and he has suppressed the facts to the Department. Thus, the period of absence was not regulated. However, the learned Additional Government Pleader made a submission that the departmental disciplinary proceedings were concluded and the punishment of stoppage of increment for one year with cumulative effect was imposed. Even in case where the suppressions are made these aspects are to be considered by the disciplinary authority at the time of conducting an enquiry in to the allegations. Now after allowing the writ petitioner to retire from service, the period of absence to be regulated in accordance with the rules in force. In this regard, the Divisional Engineer had forwarded the representation in proceeding dated 31.01.2016.

5.This being the factum of the case, the second respondent is directed to consider the case of the writ petitioner with reference to the regular benefits of the recommendations of the Divisional Engineer, Pudukkottai, in proceeding dated 31.01.2016 and pass orders on merits in accordance with law. In respect of the grievances of the writ petitioner to regulate the period of absence and pass orders within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and all other



relevant documents along with the order passed in this regard. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

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// True Copy //

Sub Assistant Registrar(CS)

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To

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NABARD and Village Roads,
East Main Street,
Upstairs of Canara Bank,
Pudukkottai.

+1CC TO M/S.P.THIYAGARAJAN, ADVOCATE, SR.NO.68564

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER SR. NO.68472

W.P. (MD) No.13018 of 2014

12.06.2019

BUC(08.07.2019) 3P 7C