

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

DATED: 23.07.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD) No.15732 of 2014

M.Tamilselvi

... Petitioner

Vs.

1. The Director,
Social Defence Department,
Chennai-10.

2. The Superintendent,
Government Children Home,
Thanjavur.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the salary from 01.03.2013 to 21.05.2014 forthwith treating this as duty period in view of interim order granted by this Honourable Court dated 01.04.2013 in M.P.No.2 of 2013 in W.P. (MD).No.4875 of 2013.

For Petitioner	: Mr.S.Balamurugan
For Respondents	: Mr.S.Dayalan Special Government Pleader

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to disburse the salary from 01.03.2013 to 21.05.2014 by treating the period of absence of the writ petitioner as duty.

2.The learned counsel for the writ petitioner states that the petitioner was holding the post of Cook in the Government Ladies Hostel at Madurai and she was transferred from Thanjavur to Trichy and the writ petitioner had not joined in the transferred post. However, the writ petitioner filed a writ petition before this Court challenging the order of transfer. This Court has granted an interim order in W.P.(MD).No.4875 of 2013.

3.The learned counsel for the writ petitioner further states that the interim order of stay granted by this Court was not implemented by the competent authority. Therefore, the petitioner has filed a contempt petition and the petitioner took about one

year and thereafter, she joined in the post and worked and retired from service.

4. The learned counsel for the writ petitioner now confines the relief by stating that it is suffice if a direction is issued to regulate the period enabling the petitioner to get all the benefits. The writ petitioner states that she will not claim any salary for the period in which, she was not worked in the Government Department.

5. In view of the fair submission made by the learned counsel for the writ petitioner, this Court is inclined to direct the respondents to regulate the period of absence of the writ petitioner, as per the Leave Rules and as per the eligibility of the writ petitioner and accordingly, regulate the period enabling the writ petitioner to get her pensionary and other benefits. However, it is made clear that the salary for the absence period cannot be claimed by the writ petitioner and the respondents need not pay the salary for the period of absence, as the principles of no work no pay will be applicable.

6. With the above observation, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director,
Social Defence Department, Chennai-10.
2. The Superintendent,
Government Children Home, Thanjavur.

+1 CC to SPL GP (SR-77233[F] dated 24/07/2019)

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-77427[F] dated 25/07/2019)

W.P. (MD) No.15732 of 2014
23.07.2019