



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2019**

CORAM:

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

W.P. (MD)No.21580 of 2018

P.Gandhi

... Petitioner

/vs./

1.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.

2.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to disburse the payment of salary hold by him for the period from 05.06.2018 to 02.07.2018 on par with the similar case considered by him through his proceedings in Moo.Mu.A3/31065/2018 dated 02.08.2018 as expeditiously as possible within the time stipulation as prescribed by this Court.

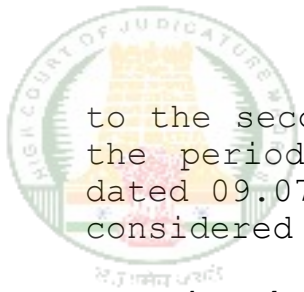
For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner herein, who was working as a Warden in the Government Boys Hostel, Atchampudur, Tirunelveli District, was transferred to the post of B.T.Assistant at Government Adi Dravidar Boys Higher Secondary School, Nallammalpuram, Tirunelveli District, through Transfer Order dated 01.06.2018 in Na.Ka.No.01/4325/2018. On the ground of malafides, the transfer order came to be challenged by the petitioner in W.P.(MD)No.12179 of 2018 and this Court, by order dated 07.06.2018, had directed the respondents to maintain status quo.

2. It is submitted by learned counsel for petitioner that after the order of status quo granted by this Court, the second respondent herein had not assigned the petitioner with any responsibilities and had also prevented the petitioner from entering the hostel premises, which necessitated the petitioner to file a contempt petition in Cont.P.(MD)No.884 of 2018. At this juncture, the respondents had permitted the petitioner to enter the hostel premises and had also assigned him routine work, by an order dated 29.06.2018, thereby setting aside the earlier order of transfer.

3. In this background, the petitioner had made representations



to the second respondent seeking for disbursement of the salary for the period from 05.06.2018 to 02.07.2018 through representations dated 09.07.2018 and 19.09.2018. Since the representations were not considered in time, the present writ petition has been filed.

4. When the petitioner had earlier filed writ petition, this Court had directed the respondents to maintain status quo with regard to the petitioner's transfer. However, it is the petitioner's case that inspite of transfer order, he was not assigned with any responsibilities. The very fact that the respondents had chosen to set aside the earlier order of transfer goes to show that the petitioner had not joined the transferred place and that he had been reporting before the second respondent in his capacity as Warden in the Government Boys Hostel, Atchampudur, Tirunelveli District.

5. While that being so, the petitioner must be regarded as having been prevented from discharging his duties even after the order of status quo was passed and therefore, he would be entitled for payment of the full pay and allowances for the period from 05.06.2018 to 02.07.2018. As such, the petitioner had rightly made representations seeking for disbursement of the salary for the relevant period.

6. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

7. In the light of the above observations, there shall be a direction to the second respondent to consider the representation dated 19.09.2018 in the light of the observations made in this order and take appropriate steps in accordance with law, atleast within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD UU)

// True Copy //

Sub Assistant Registrar(CS 4)



To:

1.The Director,
Adi Dravidar Welfare Department,
Chepauk, Cheenai.

2.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli.

+1 CC to M/s.SPL.GP (SR-105299[F] dated 17/12/2019)

+1 CC to M/s.R.ANAND, Advocate (SR-105477[F] dated 17/12/2019)

Order made in
W.P. (MD) No. 21580 of 2018

Dated:
16.12.2019

KK/SAR/20.12.2019/3P-5C/