

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19345 of 2013

K.Kanagaraz

... Petitioner

Vs.

The Managing Director,
PASIC, AGRO House,
Thattanchavady,
Pondicherry.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to continue to pay the monthly salary to the petitioner every month without any delay.

For Petitioner : M/s.M.Gnanasekar

For Respondent : Mr.S.Ashok Kumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to continue to pay the monthly salary to the petitioner every month without any delay.

2.The case of the petitioner is that the petitioner was appointed as Helper on consolidated wages in PASIC, Puducherry during the year 1993 and was made permanent during the year 1999. The petitioner was promoted as Assistant Manager (Civil) and was directed to execute the works in Puducherry under the instructions of the Assistant General Manager (Civil).

3.It is the further case of the petitioner that PASIC Employees Union gave a complaint against the respondent to the Chief Vigilance Officer, Puducherry and the respondent was issued with more than four memos by the Chief Vigilance Officer. Thereafter, the respondent vide order dated 27.04.2013 transferred the petitioner and posted him at the PASIC Branch Office, Karaikal. Challenging the said transfer order, the

petitioner filed W.P.No.13740 of 2013 before this Court. Thereafter, vide order dated 27.05.2013, the respondent placed the petitioner under suspension. Challenging the said order of suspension, the petitioner filed W.P.No.18188 of 2013 before this Court. Thereafter, the respondent failed to pay salary to the petitioner. Hence, the petitioner made representation to the respondent seeking salary and since there was no response, has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner was continuously working in PASIC, however, he was not paid salary for several months. Hence, this Court may issue direction to the respondent to dispose of the petitioner's representation dated 01.05.2013 within a reasonable time frame and to pay the monthly salary to the petitioner every month without any delay.

5.The learned counsel appearing for the respondent would submit that PASIC runs 100% on the subsidy given by the Puducherry Government and the Puducherry Government is facing deep financial crises and hence salary was not given to the employees of PASIC. He further submitted that the respondent is not able to assess whether the petitioner is working in PASIC or not. However, this Court may issue direction to the respondent to dispose of the petitioner's representation dated 01.05.2013, on merits and in accordance with law.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Admittedly, the petitioner is a regular employee of PASIC and he is entitled to receive salary for the period he worked in PASIC. Hence, this Court directs the respondent to dispose of the petitioner's representation dated 01.05.2013, on merits and in accordance with law and to pass appropriate orders, within a period of three months from the date of receipt of a copy of this order and to pay the arrears in salary and salary to the petitioner, if the same was not paid.

8.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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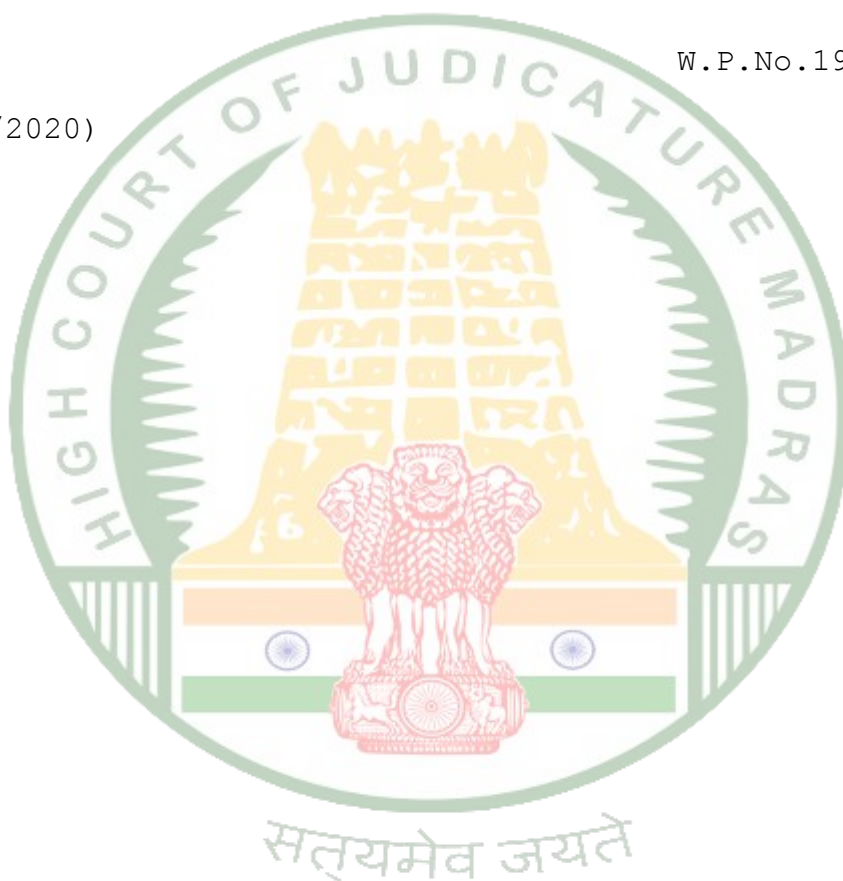
To

The Managing Director,
PASIC, AGRO House,
Thattanchavady,
Pondicherry.

+1 cc to M/s.m.Gnanasekar, Advocate Sr.No. 30363

SR(CO)
RMP(09/10/2020)

W.P.No.19345 of 2013



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