



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31186 of 2013

Tmt.J.Visalatchi

... Petitioner

Vs.

1.The Chairman & Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
Chennai - 600 005.

2.The Senior Project Officer,
Tamil Nadu Minerals Limited,
Thiruvakkarai,
Villupuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the salary due to the petitioner for the period 01.03.2012 to 16.12.2012 as has been claimed in her representation dated 31.12.2012 within a time frame.

For Petitioner : Mr.K.M.Ramesh
For Respondents : Ms.A.Srijeyanthi
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay the salary due to the petitioner for the period from 01.03.2012 to 16.12.2012 as has been claimed in her representation dated 31.12.2012 within a time frame.

2.The case of the petitioner is that the petitioner joined the service of the respondent as unskilled worker during the year 1981 and was posted to work in Block Granite Quarry (Mine) at Thiruvakkarai, Villupuram District. During the course of employment, the petitioner sustained injury on her left leg. Thereafter, the petitioner was posted to work in Kunnam Mines which is nearby to the place of her residence. Whiles, the



second respondent without issuing any written order orally transferred the petitioner to Thiruvakkarai Mines on 07.03.2012.

3.It is the further case of the petitioner that the petitioner made representation seeking to re-transfer her to Kunnam Mines and since there was no response filed W.P.No.10774 of 2012 before this Court and the said writ petition was disposed of on 26.04.2012. Thereafter, since the order passed by this Court in the said writ petition was not complied with, the petitioner filed Contempt Petition No.1679 of 2012 and after notice in the said contempt, the learned counsel for respondents therein produced an order re-transferring the petitioner to Kunnam Mines and the petitioner joined duty at Kunnam Mines on 17.12.2012.

4.It is the further case of the petitioner that she was not paid salary for the period from 01.03.2012 to 16.12.2012. In this regard, the petitioner made representation to the respondents and since there was no action has filed this writ petition.

5.The learned counsel appearing for the petitioner would submit that the second respondent intentionally without issuing any written order orally transferred the petitioner from Kunnam Mines to Thiruvakkarai Mines on 07.03.2012. The learned counsel would further submit that the petitioner is entitled to receive salary for the period from 01.03.2012 to 16.12.2012.

6.The learned Special Government Pleader would submit that salary for the petitioner was paid upto 10.04.2012, however, salary for the remaining period was not paid. Hence, this Court may issue direction to the respondents to consider the representation of the petitioner on merits and in accordance with law.

7.Considering the submissions made on either side, this Court directs the respondents to consider the petitioner's representation dated 31.12.2012 on merits and in accordance with law and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

1.The Chairman & Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai,
Chennai - 600 005.

2.The Senior Project Officer,
Tamil Nadu Minerals Limited,
Thiruvakkarai,
Villupuram District.

+1 cc to M/s.K.M.Ramesh, Advocate Sr.No. 29759

+1 cc to M/s.A.Srijayanthi, Advocate Sr.No. 29738

W.P.No.31186 of 2013

LN(CO)
RMP(19/10/2020)