

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR
Writ Petition Nos.21280 of 2004 and 30279 of 2005
W.P.M.P.Nos.25700 & 25701 of 2004 and 33191, 33192, 33193 of
2005
and 12588 & 16978 of 2006

R.Ramanathan ... Petitioner in both W.Ps

-Vs-

1.The Director of Collegiate Education
E.V.K.Sampath Building, College Road
Chennai 600 006.

2.The Principal, Government Arts College
Ariyalur - 621 713. ... Respondents in W.P.No.21280
of 2004 & Respondents 1 & 2
in W.P.No.30279 of 2005

3.C.Giri Renganathan
4.K.Sampathkumaran
5.C.Kandasamy
6.R.Ramalingam
7.M.Chandra
8.M.Dhanasekaran
9.B.Radhakrishnan

... Respondents 3 to 9 in
W.P.No.30279 of 2005

Prayer in W.P.No.21280/2004: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records passed by the first respondent herein in his Na.Ka.No.37676/C3/2003 dated 22.11.2003 and quash the same and consequently direct the first respondent herein to sanction the leave from from 18.08.2003 to 01.10.2003 as half pay leave and to treat the period from 03.10.2003 to 06.10.2003 as duty period, with all consequential monetary and service benefits.

Prayer in W.P.No.30279/2005: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent herein to sanction the petitioner's increment on 01.10.2003 and thereafter regularly.

For Petitioner	:	Party in Person
For Respondents	:	Mr.Karthikei Balan, Government Advocate
		- for RR 1 and 2 in both W.Ps.
		Mr.S.Kamadevan - for RR 3 to 9 in W.P.No.30279/2005

C O M M O N O R D E R

Since both the writ petitions are filed by the very same petitioner, who appeared as Party-in-Person and the issue raised herein are inter-connected, with the consent of the petitioner, as well as the learned counsel for the respondents, these writ petitions are heard together and are being disposed of by this common order.

2. In W.P.No.21280 of 2004, the prayer sought for is to regularize the leave taken by the petitioner ie., between 03.10.2003 and 06.10.2003.

3. In W.P.No.30279 of 2005, the prayer sought for is to direct the second respondent herein to sanction the petitioner's increment on 01.10.2003 and thereafter regularly.

4. Heard Mr.Ramanathan, who appeared as Party-in-Person, would submit that, though the prayer sought for in W.P.No.30279 of 2005 has already been met by the respondents and they have already sanctioned the increments which became due on 01.10.2003 and had been continuously paying the same, the subsequent increments are to be paid and a direction in that regard has to be given.

5. Insofar as the other W.P.No.21280 of 2004 is concerned, the petitioner who appeared as Party-in-Person would submit that, the leave taken by the petitioner between 03.10.2003 and 06.10.2003 still has not been regularized and therefore, seeking a direction to the respondents to regularize the leave period the said writ petition was filed and therefore, he seeks the indulgence of this Court in this regard.

6. Heard Mr.Karthikei Balan, learned Government Advocate for the respondents and Mr.S.Kamadevan, learned counsel for the respondents 3 to 9.

7. The official respondents represented by the learned Government Advocate Mr.Karthikei Balan would submit that, insofar as the prayer sought for in W.P.No.30279 of 2005 is concerned, it has already been accomplished where the respondents have sanctioned the increments which became due on 01.10.2003 and also entered the same in the service record of the petitioner. In this regard, the learned Government Advocate has also produced the original service record of the petitioner. Hence he submits that, the prayer sought for in W.P.No.30279 of 2005 is accomplished.

8. With regard to the further plea raised by the petitioner that, certain further increments have not been sanctioned or granted, since the same is a fresh cause of action, if at all the petitioner has got any grievance, that

can be agitated in a separate proceedings and that issue cannot be resolved in this writ petition.

9. Insofar as W.P.No.21280 of 2004, it is the grievance of the petitioner that, the leave taken from 03.10.2003 to 06.10.2003 has to be regularized. In this context, learned Government Advocate appearing for the official respondents would submit that, a formal application shall be made by the petitioner. Once such application is made, certainly that could be effectively considered.

10. I have heard the submissions of the petitioner, who appeared as Party-in-Person as well as the learned Government Advocate appearing for the official respondents. Mr.S.Kamadevan learned counsel appearing for the private respondents 3 to 9 in W.P.No.30279 of 2005 submits that, those respondents have nothing to do with the issues raised in the writ petition and they are unnecessary parties.

11. In view of the above, this Court is inclined to dispose of these writ petitions with the following orders.

- Insofar as W.P.No.30279 of 2005 is concerned, as the prayer sought for in the writ petition has already been accomplished, no further orders need to be passed and therefore, recording the submissions made by the learned Government Advocate appearing for the official respondents, the writ petition is disposed of.
- Insofar as W.P.No.21280 of 2004 is concerned, a direction is hereby given to the respondents receive an application from the petitioner to regularize the leave period between 03.10.2003 and 06.10.2003 and in this regard, the petitioner shall give necessary application to the respondents / employer immediately within one week from the date of receipt of a copy of this order, and on receipt of the same, needful shall be done by regularizing the five days leave, by the respondents within a period of four weeks thereafter.

12. With these directions, both the writ petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Director of Collegiate Education
E.V.K.Sampath Building, College Road
Chennai 600 006.

2.The Principal, Government Arts College
Ariyalur - 621 713.

+1 cc to Government Pleader Sr.No. 8796

W.P.Nos.21280 of 2004
and 30279 of 2005

A.SK(23.03.2021)