



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.1040 of 2019

S.Thravidan

... Petitioner

Vs.

The Executive Officer,
Elaiyangudi Town Panchayat,
Elaiyangudi,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to release the salary for the period from 13.08.2012 to 08.07.2014 to the petitioner and regularize the same with all consequential benefits.

For Petitioner	:	Mr.V.Panneerselvam
For Respondent	:	Mr.A.K.Manikkam Special Government Pleader

O R D E R

Heard Mr.V.Panneerselvam, learned counsel for the petitioner and Mr.A.K.Manickam, learned Special Government Pleader appearing for the Executive officer, Elaiyangudi Town Panchayat/Sole Respondent.

2. The petitioner prays for a mandamus directing the sole respondent to release his salary for period from 13.08.2012 to 08.07.2014 when there was an interruption in his employment with the respondent.

3. Briefly stated, the petitioner was working in the respondent Town Panchayat and had been removed from employment pursuant to orders dated 25.07.2012 passed in W.P.(MD)No.1718 of 2012 and W.P (MD)No.2229 of 2012 filed by one M.Sankar challenging the petitioner's employment, in preference to his promotion. The aforesaid order had been passed without reference to the petitioner on account of his non-appearance at the time of hearing.

4. The petitioner thus filed W.A.Nos.574 and 575 of 2012 challenging orders dated 25.07.2012 and obtained an order of interim stay of the order of the learned Single Judge on 14.08.2014. However, the petitioner had been relieved from service on 13.08.2012 just a day prior to the date of interim stay. The petitioner would state insofar as the Writ Appeal has itself come to be allowed on 08.07.2014, he is entitled to all service benefits for the period from 13.08.2012 till 08.07.2014.



5. The learned Special Government Pleader fairly, does not object to the relief sought.

6. In the light of the admitted eligibility of the petitioner as aforesaid, the monetary benefits for the aforesaid period shall be granted. Mandamus as sought for by the petitioner stands achieved and a direction is issued to the respondent to compute the salary of the petitioner for the period 13.08.2012 to 08.07.2014 and paid over the same to him within eight(8) weeks from today.

7. In fine, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

The Executive Officer,
Elaiyangudi Town Panchayat,
Elaiyangudi,
Sivagangai District

+1 CC to M/s.V. PANNER SELVAM, Advocate (SR-35139[F] dated 19/11/2021)

W.P.(MD) No.1040 of 2019

17.11.2021

PS (CO)

KB(03.12.2021) 2P 3C