



W.P.No.1503 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1503 of 2016

R.Thanancheyan

...Petitioner

Vs.

1.The Director of Collegiate Education,
Full Additional Incharge,
Chennai – 600 006.

2.The Principal,
Arignar Anna Government Arts College,
Cheyyar,
Thiruvannamalai District.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to pay the petitioner all his back wages with all consequential service benefits during the period 20.11.2014 to 02.09.2015 for which petitioner has not been given posting and regularise the said period as 'Duty' for all purposes and to disburse pay and allowances for the said period with all consequential benefits along with 12% interest on the such payment to the Petitioner.



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For Petitioner : Mr.M.Sarathkumar for
M/s.T.Dharani

For Respondents : Mr.A.Anandan
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to pay the petitioner all his back wages with all consequential service benefits during the period 20.11.2014 to 2.09.2015 for which petitioner had not been given posting and regularise the said period as Duty for all purposes and to disburse pay and allowances for the said period with all consequential benefits along with 12% interest on the such payment to the petitioner.

2.The petitioner is working as an Associate Processor (History) at Arignar Anna Government Arts College, Cheyyar, Thiruvannamalai District. Initially he was working in Government Arts College, Kumbakonam and was transferred to Cheyyar on 16.06.2012. The petitioner filed a writ petition, challenging the order of transfer in W.P.No.31109 of 2014, an interim order was granted by this Court. However, the petitioner had not joined in the transferred place and remained



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unauthorizedly absent from 19.11.2014 to 02.09.2015. The petitioner filed the present writ petition seeking back wages for the period of absence.

3.The learned Government Advocate made a submission that the departmental disciplinary proceedings were initiated against the writ petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same is pending. However, the intervening period of absence was regulated by the competent authority in proceedings dated 04.01.2017 as Leave Eligible. When the period of absence has been regulated as leave eligible, the question of considering the case of the writ petitioner for grant of back wages would arise at all.

4.Accordingly, this writ petition stands disposed of. No Costs.

23.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr



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S.M.SUBRAMANIAM, J.

SSR

To

- 1.The Director of Collegiate Education,
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