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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4543 of 2021
and
W.M.P.No.5166 of 2021

D.Karthikeyan

... Petitioner

vs.

1. The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

2. L.Mullainathan
Warden,
Podhigai Illam,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to permit the petitioner to join duty as Assistance Section Officer with effect from 11.01.2021 and pay all the service and monetary benefits with leave salary and also direct the respondents to disburse the arrears of salary prior to the medical leave within the time fixed by this Court.

For Petitioner : Mr.T.N.Rajagopalan

For Respondents : Mr.K.Sathish Kumar
for Annamalai University

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to permit the petitioner to join duty as Assistant Section Officer with effect from 11.01.2021 and pay all the service and monetary benefits with leave salary and also direct the respondents to disburse the arrears of salary prior to the medical leave within the time fixed by this Court.



2. The case of the petitioner in brief:

The petitioner is working as Assistant Section Officer in Pothigai Illam, Annamalai University. He was appointed as Junior Assistant on 06.11.2005 and promoted as Special Officer on 16.02.2009. Again the post was re-designated as Assistant Section Officer in the pay band of Rs.9,300 - Rs.34,800/- + grade pay Rs.4,600/-. Before re-designation the petitioner was earning a gross salary of Rs.66,070/- and after re-designation the petitioner was earning a gross salary of Rs.49,039/-. Thus, the reduction of pay scale while re-designating the post is against Rule 22 of the Fundamental Rules. The petitioner has made a representation to the respondents for granting the pay scale as it was then and the same is pending.

3. The petitioner's mother is old and sick, so he went on leave with permission to care his mother and the same was also regularized. Further the petitioner also became sick and getting treatment from Neuro Hospital at Madurai. Due to which he was continuously taking medical leave from 11.12.2020 to 10.01.2021 by applying for leave through Registered post. The petitioner after getting well, joined office on 11.01.2021 along with medical and fitness certificate. But, the 2nd respondent did not permit him to join duty. Hence, this writ petition has been filed to direct the respondents to permit the petitioner to join duty as Assistant Section Officer with effect from 11.01.2021 and pay all the service and monetary benefits with leave salary and also to direct the respondents to disburse the arrears of salary prior to the medical leave within the time fixed by this Court.

4. The learned standing counsel appearing for the respondents filed a counter. Paragraph 11 of the counter affidavit reads as follows:

11. This respondent also ready to permit the petitioner to rejoin the duty during the pendency of disciplinary proceedings and the duty period salary and the salary for the period of leave/ not reported period will be disbursed to petitioner after regularization of his leave period.

5. The above statement made in the counter is recorded. In view of the above statement, the petitioner is permitted to join duty as Assistant Section Officer in the 1st respondent University.

6. Accordingly, this writ petition is disposed of. No



costs.
closed.

Consequently, the connected miscellaneous petition is

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

dsa

To

The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

+1cc to M/s.T.N.Rajagopalan, Advocate, S.R.No.14458

W.P.No.4543 of 2021

RR(CO)
SU(17/03/2022)