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W.P.No.16262 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.No.16262 of 2020
and W.M.P.Nos.20323 & 20324 of 2020

R.PARTHEEBAN

... Petitioner

Vs.

1.STATE OF TAMILNADU
Rep. by its Secretary to Government
Municipal Administration and Water Supply Dept.
Fort St. George
CHENNAI 600 009

2.THE COMMISSIONER OF MUNICIPAL ADMINISTRATION
Ezhilagam
Chepauk
CHENNAI 600 005

3.THE COMMISSIONER
Jayamkondam Municipality
Ariyalur District

4.G.ARACHELVI
Municipal Engineer &
Former Commissioner (Addl. Charge)
Jayamkondam Municipality
Ariyalur District

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorari, calling for the entire records connected with the impugned order in Na.Ka.No.110/2020/K1 dated 28.10.2020 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Ms.R.L.Karthika
Govt. Advocate for R1 & R2

Mr.L.P.Maurya for R3
Mr.P.Srinivas for R4

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorari, calling for the entire records connected with the impugned order in Na.Ka.No.110/2020/K1 dated 28.10.2020 passed by the 2nd respondent and to quash the same.

2.Learned counsel for the petitioner submitted on instructions that, subsequent to the passing of the impugned order, the petitioner has been allowed to work in his original place of posting pursuant to the directions given by this Court. Earlier, the petitioner was having the benefit of



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interim stay of the impugned transfer order issued in his favour by this Court. The learned counsel for the petitioner would now contend that the petitioner had to wait for almost one year to resume duty in the place of his original posting. According to him, for no fault of the petitioner, he has not been paid his salary and other monetary benefits for the period during which he was not allowed to join duty. The petitioner has given representation dated 03.06.2020 to the 2nd and 4th respondents, requesting them to pay him his salary for the period from 18.11.2020 to 05.10.2021. The petitioner claims that he was allowed to rejoin duty at Jayamkondam and since the impugned order dated 28.10.2020, transferring the petitioner from Jayamkondam to Ramanathapuram Municipality, has not been given effect to, the writ petition has now become infructuous. However, the learned counsel for the petitioner would submit that since the salary and other monetary benefits has not been paid to the petitioner for the period from 18.11.2020 to 05.10.2021, the same will have to be paid by the respondents. Accordingly, prays for appropriate orders.



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3.This Court is of the considered view that only a limited relief can be granted to the petitioner with regard to the request made by the learned counsel for the petitioner. A direction can be issued to the respondents to consider the petitioner's representation dated 03.06.2020, seeking for payment of his salary and other monetary benefits for the period from 18.11.2020 to 05.10.2021 on merits and in accordance with law within the time frame fixed by this Court. Since the representation is an old one, the petitioner is hereby advised to give a fresh representation to the respondents.

4.For the foregoing reasons, the Writ Petition stands dismissed as infructuous. However, liberty is granted to the petitioner to give a fresh representation to the respondents, requesting for payment of salary, other monetary benefits and for regularization of service for the period from 18.11.2020 to 05.10.2021 within a period of one (1) week from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent shall pass final orders on merits and in accordance with



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law within a period of six (6) weeks thereafter. Consequently, connected miscellaneous petitions are also dismissed. No costs.

14.11.2022

kas

Index: yes / no

Internet: yes / no

Speaking / Non speaking

To

1.The Secretary to Government
Municipal Administration and Water Supply Dept.
Fort St. George
CHENNAI 600 009

2.The Commissioner of Municipal Administration
Ezhilagam
Chepauk
CHENNAI 600 005

3.The Commissioner
Jayamkondam Municipality
Ariyalur District



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ABDUL QUDDHOSE, J.

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