



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.04.2022

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.6586 of 2022

M.Salai Sivapadhan

... Petitioner

Vs.

1.The Secretary
Highways & Minor Ports Department
St. Fort George
Tamil Nadu Government
Chennai 9

2.The Director General
Highways Department
Sarhar Patel Road
HRS Campus
Opp to Raj Bhavan
Guindy,
Chennai.

3.The Divisional Engineer,
Highways
Construction & Maintenance
Trichy Road
Near Thirukokarnam Police Station,
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to take appropriate action upon the petitioner to re-joining letter already submitted before the 3rd respondent in person dated 29.01.2022 and the petitioner's representation dated 14.03.2022 and consequently to allow the petitioner to rejoin duty at the 3rd respondent office as in the same place.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader



ORDER

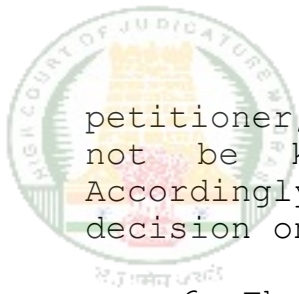
The relief sought for in the present writ petition is to direct the respondents to take appropriate action upon the petitioner rejoining letter already submitted before the 3rd respondent in person dated 29.01.2022 and the petitioner's representation dated 14.03.2022 and consequently to allow the petitioner to rejoin duty at the 3rd respondent office as in the same place.

2.The petitioner states that he is working as Junior Engineer in Highways Construction and Maintenance Department, Keeranur. The petitioner availed earned leave for 45 days on 03.01.2022. Before completing the earned leave period of 45 days, the petitioner submitted a letter in person expressing his willingness to rejoin duty. However, the respondents have not taken any action on the letter given by the petitioner. Thus, the petitioner is constrained to move the present writ petition.

3.The counter filed by the third respondent reveals that the petitioner no doubt applied for casual leave for 45 days on the ground of family commitment. Therefore, the third respondent has appointed one Mr.M.Ravichandran, Assistant Engineer, Viralimalai to the post of Junior Engineer, Keeranur.

4. It is stated that the petitioner has scolded with filthy language against his subordinate officer namely Tmr.Kasthurimuthu, who is working in the post of skilled Assistant Grade-I. The manner in which the petitioner scolded the employee came by way of Whatsapp to the other higher authorities and an enquiry was conducted by the Assistant Divisional Engineer. The petitioner has accepted the mistake and sought for an apology. The victim woman employee Smt.Kasthuri Muthu is a widow. She is mentally disturbed on account of the said incident. The letter dated 09.02.2022 given by Smt.Kasthurimuthu states that the petitioner on number of occasions scolded with filthy language to all other subordinate officers and therefore, the authorities found that the woman employee has been harassed and accordingly forwarded the statement to the Complaints Committee for conducting enquiry on 09.02.2022. The learned Additional Government Pleader made a submission that the enquiry is in progress.

5. This Court is of the considered opinion that the enquiry to be conducted by the Local Complaints Committee is no way connected with the relief sought for in the present writ petition. The petitioner seeks the relief to join duty pursuant to the joining letter. The respondents in this regard is bound to take a decision. If at all any disciplinary proceeding are initiated otherwise has to be dealt with in accordance with the discipline and appeal rules in force. However, regarding the joining letter submitted by the



petitioner, an appropriate decision is to be taken and the same need not be kept pending unnecessarily for a prolonged period. Accordingly, the respondents are directed to take an appropriate decision on merits and in accordance with law.

6. The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

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Chennai 9

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+1 CC to M/s.SPL. GP (SR-23076[F] dated 29/04/2022)

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MK/25.05.2022/3P/5C