



W.P(MD)No.21371 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21371 of 2022

and

W.M.P.(MD)No.15539 of 2022

S.Abideen

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625002, Madurai District.

2.The Secretary,
Dr.Zakir Husain College,
Ilayangudi-630702,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd Respondent to sanction leave on loss of pay from 10.03.2022 to 09.04.2022 and to grant permission / ratification towards petitioner's visit to Singapore and consequently direct the respondents herein to disburse forthwith the monthly salary of the petitioner from 01.03.2022 to 09.03.2022 and from 10.04.2022 onwards.



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For Petitioner : Mr.E.V.N.Siva
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 : Mr.H.Thayumanaswamy

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is employed as Associate Professor and Head of the Department (Zoology) in the second respondent College. It is an aided minority Institution. The petitioner's daughter's wedding was solemnized at Singapore on 23.03.2022. As bride's father, the petitioner had to be at Singapore. It appears that the petitioner could not obtain prior permission. The application submitted by the petitioner was forwarded by the College Management to the Department and the Department without passing any formal order had returned the application. Unable to wait any further, the petitioner left India on 10.03.2022 and returned on 12.04.2022. He has been discharging his teaching duties ever since. Now, the only issue that arises for consideration is regarding regularisation of the aforesaid period.

3. The petitioner's counsel makes it clear that the said period can be treated as leave on loss of pay. In my view, no exception can be taken to the



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said request. After all, the petitioner has left India to solemnize his daughter's wedding at Singapore.

4. Therefore, the petition mentioned period is directed to be regularised as leave on loss of pay. Appropriate proceedings shall be issued by the second respondent as expeditiously as possible. On account of this non -regularisation, the petitioner has not been paid his salary since 12.04.2022. The second respondent is directed to submit the relevant proposal in this regard to the first respondent speedily and the first respondent is directed to release the arrears also forthwith and without any delay.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 08.11.2022

To

The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625002, Madurai District.



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G.R.SWAMINATHAN, J.

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