



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

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

W.P. (MD)No.24431 of 2019

WEB COPY

K.Murugesan

... Petitioner

Vs.

1.The District Adi-Dravidar and Tribal Welfare Officer,
Collectorate Complex,
Madurai District,
Madurai - 625 020.

2.The Special Tahsildar,
Adi Dravidar and Tribal Welfare (Unit-II),
Collectorate Complex,
Madurai District,
Madurai - 625 020.

...Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents i.e., the District Adi Dravidar and Tribal Welfare Officer, Madurai, and the Special Tahsildar, Adi Dravidar and Tribal Welfare, Madurai, to sanction increment for the period from 2003 to till date and payment of duty salary for the suspension period i.e., from 16.11.2006 to 18.02.2014 to the petitioner as already decided by the district Adi Dravidar Welfare Officer, Madurai in her proceedings Na.Ka.No.10250/2018/Ad3 dated 08.08.2019 and proceedings Na.Ka.No10250/2017/Ad3 dated 09.08.2019.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.K.Manickam,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to sanction increment for the period from 2003 to till date and payment of duty salary for the suspension period i.e., from 16.11.2006 to 18.02.2014, to the petitioner as already decided by the District Adi Dravidar Welfare Officer, Madurai, in her proceedings Na.Ka.No.10250/2018/Ad3 dated 08.08.2019 and proceedings Na.Ka.No10250/2017/Ad3 dated 09.08.2019.

2.The petitioner is working as a Cook in Adi-dravidar and Tribal Welfare Department. A criminal case was registered against the writ petitioner in C.C.No.74 of 2007 under Section 307 IPC. The



said criminal case ended with an order of acquittal and subsequently, the department also initiated departmental disciplinary proceedings, which was dropped and the petitioner was exonerated from the proceedings. The Madurai District Adi-draavidar Welfare Officer passed an order in proceedings dated 09.08.2019 stating that the period of suspension between 02.11.2006 to 18.02.2014 is regulated as duty period.

3.The grievance of the writ petitioner is that once the period of suspension is regulated as duty, the salary is to be paid as applicable to the petitioner. However, the said benefits are not paid to the petitioner. Thus, the petitioner is constrained to move the present writ petition.

4.In view of the facts and circumstances, the respondents are directed to pay salary for the period of suspension from 16.11.2006 to 18.02.2014, deducting the subsistence allowance already paid to the writ petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, W.P is disposed of. No costs.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Adi-Draavidar and Tribal Welfare Officer,
Collectorate Complex,
Madurai District,
Madurai - 625 020.

2.The Special Tahsildar,
Adi Draavidar and Tribal Welfare (Unit-II),
Collectorate Complex,
Madurai District,
Madurai - 625 020.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-22304[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22528[F] dated 29/04/2022)

W.P. (MD) No.24431 of 2019

27.04.2022

MGJ(15.06.2022) 2P 5C