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W.P.No.18556 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18556 of 2013 and
MP.No.2 of 2013

M.Swamidurai

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Jayankondam,
Ariyalur District

2.The Thasildar,
Udayarpalayam Taluk,
Jayankondam,
Ariyalur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the impugned order Na.Ka.A4/603/11 dated 13.08.2011 passed by the second respondent and quash the same and direct the respondents to pay salary for months of January 2011 till June 2013 and arrears of leave salary from Feb 2008 to April 2008 to the petitioner which is due to him.

For Petitioner : Mr.K.Satishkumar



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For Respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 13.08.2011 thereby denied the salary from the month of January 2011 till June 2013 and the leave salary from February 2008 to April 2008.

2. The petitioner had joined as Village Assistant at Devnoor village. Subsequently, he made request for his transfer to Andimadam village on several dates. He was also not paid any salary. Therefore, the petitioner sent another representation. However, it was not considered. Hence, he was constrained to file writ petition before this Court in WP.No.11722 of 2011 and this Court directed the second respondent to consider the same and pass orders. On receipt of the report of the concerned Village Administrative Officer and Revenue Inspector, the second respondent rejected the request made by the petitioner.

3. The learned counsel for the petitioner would submit that the



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impugned order has been passed without giving any opportunity of hearing to the petitioner and without considering the report submitted by the Village Administrative Officer, Devnoor dated 20.07.2012. By the communication dated 20.07.2012, it was informed that the petitioner has been attending the work. However, his salary of Rs.8,322/- per month was not paid from January 2011 to June 2013.

4. On perusal of counter filed by the second respondent, revealed that the petitioner submitted his representation for requesting his transfer and arrears of salary. As directed by this Court, the second respondent conducted enquiry on receipt of the report from the Revenue Inspector as well as Village Administrative Officer, Devnoor village and those reports revealed that the petitioner failed to attend duty from 01.01.2011 to till date. Therefore, the second respondent by order dated 13.08.2011 stopped the salary to the petitioner herein. Though the letter sent by the Village Administrative Officer and the Revenue Inspector, those all are memo and without containing attendance details of the petitioner so as to know whether the petitioner was attending duty



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regularly or not. That apart, the petitioner was served with charge memo dated 23.09.2013. Therefore, the second respondent rightly rejected the request made by the petitioner and this Court finds no infirmity or illegality in the order passed by the second respondent.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Jayankondam,
Ariyalur District
- 2.The Thasildar,
Udayarpalayam Taluk,
Jayankondam,
Ariyalur District
3. The Government Advocate,
High Court, Madras.

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