



W.P.No.19862 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

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K.Sundar
S/o.N.Kalyanaraman,
F2, Dhanalakshmi Flats,
13, V.O.C.Street, Devaraj Nagar,
Saligramam, Chennai 600 093

... Petitioner

/Vs/

1. The Registrar of Co-operative Societies
Kilpauk,
Chennai 600 010
2. The Joint Registrar of Co-operative Societies,
Public Distribution System II,
Chennai South, Chennai 600 093

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to consider the Petitioner's representation dated 05.10.2020 and 20.10.2020 and pay the salary and other attendant benefits for the period from 08.07.2020 up to 10.09.2020 and in the post of Deputy Registrar, Public Distribution System, Triplicane.



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For Petitioner : Ms.Meenakshi
For Respondents : Ms.P.Rajarajeswarai
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to consider the Petitioner's representation dated 05.10.2020 and 20.10.2020 and pay the salary and other attendant benefits for the period from 08.07.2020 to 10.09.2020 and in the post of Deputy Registrar, Public Distribution System, Triplicane.

2.The Petitioner, who was working with the second Respondent was transferred on 27.06.2020 to Kanchipuram. Subsequently, the Petitioner filed W.P.9038 of 2020 and in which an interim order has been passed to stay the transfer order. Subsequent to the order of this Court dated 09.07.2020 in W.P.No.9038 of 2020, the Petitioner was issued with the G.O.No.178, Cooperative, Food and Consumer Protection Department, dated 09.09.2020 and was posted at Triplicane, in the then existed vacancy. The Petitioner joined duty on 10.09.2020 and continued to be in services. The Petitioner's salary was not paid for the interregnum period between 07.07.2020 on which date he was relieved and later he joined on 10.09.2020. Hence, the Petitioner has filed this



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Writ Petition seeking Writ of Mandamus to pay salary for the above said 65 days.

3.Heard the learned counsel for the Petitioner and the learned Government Advocate for the Respondents.

4.It is learnt from the Respondents' counter affidavit that the second Respondent has sent a proposal to the first Respondent Government to consider the period from 07.02.2020 and 10.09.2020 as compulsory wait. Despite the fact that the Petitioner was not in duty and cannot be treated as duty and he cannot be paid for the said period, the Petitioner's wait between from 07.02.2020 and 10.09.2020 has been considered by the second Respondent as compulsory wait. In such case, the Respondents cannot hold the salary payable to the Petitioner for the said period.

5.Hence the first Respondent is directed to pass appropriate orders on the proposal sent by the second respondent in this regard, in order to enable the Petitioner to get his salary for the period between from 07.02.2020 and 10.09.2020.



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18.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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R.N.MANJULA, J.

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