



Writ Petition No.30138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.30138 of 2023

Rukmani
Sweeper
Modaiyur Village Panchayat
Polur Taluk,
Tiruvannamalai District.

... Petitioner

Vs.

1. The District Collector
(Inspector of Panchayat under
Tamil Nadu Panchayat Act 1994)
Vengikaal
Tiruvannamalai District.
2. The Block Development Officer
Chetpet Panchayat Union
Tiruvannamalai District.
3. The President
Modaiyur Village Panchayat
Chetpet Panchayat Union
Tiruvannamalai District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to pass appropriate orders on the representation dated 31.07.2023 made by the petitioner and permit her to rejoin duty as sweeper at Modaiyur Panchayat, Polur Taluk and also to pay arrears of salary from the month of June 2023 within a period of four weeks.

For Petitioner : Mrs.T.Hemalatha

For Respondents : Mrs.V.Yamuda Devi
Special Government Pleader
for R1
Mr.K.Tamilvendan
Government Advocate
for respondents 2 and 3

ORDER

This Writ Petition has been filed seeking for a mandamus to direct the 1st respondent to pass appropriate orders on the representation dated 31.07.2023 made by the petitioner and permit her to rejoin duty as sweeper at Modaiyur Panchayat, Polur Taluk and also to pay arrears of salary from the month of June 2023 within a period of four weeks.



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2. Mrs.V.Yamuna Devi, learned Special Government Pleader accepts notice for first respondent. Mr.K.Tamilvendan, learned Government Advocate accepts notice for respondents 2 and 3. By consent of both sides, the main writ petition is taken up for final disposal at the admission stage itself.

3. The case of the writ petitioner is that she is working as a Sweeper at Modaiyur Village Panchayat with effect from 31.01.2013. Since the writ petitioner suffered from severe stomach pain, after getting permission from the third respondent, she took medical leave on 13.04.2023 for taking treatment at Primary Health Centre, Thanjampadi and she was advised to take treatment in Chennai as her stomach pain persisted. Hence, the petitioner has applied for one week medical leave on 20.06.2023 to take treatment at Government Hospital, Poonthamallee, for which, she was advised by the third respondent to approach second respondent as he has no power to approve medical leave for more than one day. The petitioner applied for medical leave to the second respondent for a period of one week



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and after taking treatment, the petitioner made a representation on 29.06.2023 to the second respondent by enclosing Fitness Certificate issued by the Government Doctor, Government Hospital, Poonamallee requesting to permit her to continue the work but the third respondent has orally prevented her from attending duty and not permitted her to join the duty. She was also not paid salary for the month of June 2023. Therefore, on 31.07.2023 the petitioner made a representation to the first respondent stating that the third respondent prevented her from attending the duty without any reason. Hence, the present writ petition has been presented in this Court on 09.10.2023.

4. Learned counsel for writ petitioner submitted that the first respondent being the Inspector of Panchayat as well as the Controlling Authority under the Tamil Nadu Panchayat Act, is duty bound to direct the third respondent to permit the petitioner to perform her duty as Sweeper as well as to pay arrears of salary to the writ petitioner since she has availed medical leave after getting prior permission from the concerned authority.



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5. Learned Special Government Pleader for first respondent and learned Government Advocate for respondents 2 and 3 submit that after perusing the records of the writ petitioner, appropriate orders on merits and in accordance with law shall be passed by the concerned respondent as expeditiously as possible.

6. In view of the above submissions, this Court directs the respondents herein to consider the petitioner's representation dated 31.07.2023 and pass appropriate orders on the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. There shall be no order as to costs.

17.10.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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V.BHAVANI SUBBAROYAN., J

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To

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Tamil Nadu Panchayat Act 1994)
Vengikaal
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