



W.P.(MD) No.10583 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP(MD) No.10583 / 2020

R.Maaridurai

... Petitioner

-VS-

1.The Divisional Manager
Highways Department,
Construction and Maintenance
Tenkasi District.

2.The Assistant Divisional Engineer
Highways Department,
Construction and Maintenance
Tenkasi District.

3.The Assistant Engineer
Highways Department,
Construction and Maintenance
Tenkasi North & South
Tenkasi District

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 10.08.2020 and take necessary action in the disbursement of petitioner's monthly salary for the month of July 2020 and subsequent foregoing month.



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For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For Respondents :Mrs.K.ChristyTheboral
Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the 2nd respondent to consider the petitioner's representation dated 10.08.2020 and take necessary action for the disbursement of petitioner's monthly salary for the month of July 2020 and subsequent forecoming month.

2. The learned counsel for the petitioner would submit that the petitioner is an Ex-serviceman and working as Skilled Assistant in the 3rd respondent Department for the past 10 years. It is further submitted that while so, the salary of the petitioner was not disbursed till date by the respondents. Hence, the petitioner made a representation on 10.08.2020 and since the same was not considered so far, he prays for appropriate direction.

3. The learned counsel for the petitioner would submit that this Court may issue a direction to the respondents to consider the representation dated 10.08.2020 and to pay the salary to the petitioner without any delay.



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4. By filing a counter affidavit, the learned Additional Government Pleader would submit that while uploading the petitioner's salary bills in IFHRMS, there is an error occurred due to the petitioner's availing of medical leave from 10.03.2020 to 30.04.2020 and subsequently on 08.07.2020, the salary was credited. It is further submitted that the petitioner absented himself from work from 01.07.2020 and hence, the salary of the petitioner was stopped for the month of July and August '2020 and the 2nd respondent has recommended to the 1st respondent for initiating disciplinary proceedings for the petitioner's unauthorized absence and the same is pending and hence, prays for dismissal of the writ petition.

5. Considering the facts and circumstances of the case and considering the fact that though the disciplinary proceeding is initiated against the petitioner for unauthorized absence, since the petitioner is entitled for salary for the period he worked, the third respondent is directed to disburse the eligible salary to the petitioner by considering his representation within a period of four weeks from the date of receipt of a copy of this order.



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6. The writ petition is disposed of with the above direction. No costs.

23.01.2023

NCC : Yes/No

Index : Yes/No

RR

To

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Tenkasi District.
- 3.The Assistant Engineer
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M.DHANDAPANI, J.

RR

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