



W.P.(MD).No.8430 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8430 of 2019

P.Mariammal

... Petitioner

Vs.

1.The Director of Treasuries and Accounts,
Panagal Building,
No.1, Jeenis Road,
Saidapet, Chennai – 600 015.

2.The District Treasury Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to treat the period from 11.03.2016 to 07.04.2016 as on duty and period of service for all purpose and also direct the respondents to pay the salary for that period of 27 days which arrayed to an amount of Rs.29,826/-.

For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader.



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ORDER

This Writ Petition is filed for Mandamus directing the respondents to treat the period from 11.03.2016 to 07.04.2016 as duty period for all purpose and also direct the respondents to pay the salary for the said period of 27 days to the tune of Rs.29,826/-.

2. The petitioner was transferred from Nagercoil to Tirunelveli, thereafter transferred from Tirunelveli to Ramanathapuram District. The petitioner has challenged the said transfer before this Court in W.P.(MD).No.5475 of 2016 and obtained an interim stay. In spite of interim stay, the petitioner was not allowed to join the duty. During the said period, the petitioner did not work. The respondents have not regularized the said period. The Writ Petition in W.P. (MD).No.5475 of 2016 was closed vide order dated 14.11.2022. In the said order, this Court has granted liberty to the respondents to transfer the petitioner if so necessary.

3. The learned counsel appearing for the respondents submitted that the transfer order granted on 11.03.2016 and the stay was granted on 18.03.2016. Hence for the one week period, the petitioner is not entitled to any salary. The



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plea of the respondents is rejected. Once the stay is granted, it will cover the period from the date of transfer order that is on 11.03.2016. Therefore, the salary ought to be paid from 11.03.2016 to 07.04.2016.

4. Therefore, the respondents are directed to regularize the said period from 11.03.2016 to 07.04.2016 and pay salary to the said period within a period of four (4) weeks from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

31.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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