



W.P.(MD) No.8206 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.8206 of 2018 and
WMP(MD) No.17900 of 2018

K.Kalimuthu

... Petitioner

-VS-

The Commissioner
Kadavur Panchayat Union,
(E) Taragampatti
Karur District

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified mandamus to call for the records of the relating to the impugned order passed by the respondent in his proceedings Na.Ka.A8/2315/2014 dated 16.03.2015 and quash the same as illegal and consequently directing the respondent to pay the salary for the period 12.06.2013 to 02.03.2015.



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For Petitioner : Mr.N.Satheeshkumar

For Respondents : Mr.M.Rajarajan

ORDER

Challenging the impugned order of the respondent dated 16.03.2015 and for a consequential direction to the respondent to pay the salary for the period 12.06.2013 to 02.03.2015, the petitioner is before this Court.

2. The case of the petitioner is that he possessed Higher Secondary qualification and was appointed as Noon Meal Organiser on 27.01.1983. He was subsequently transferred to the Government School, Kadavur in the year 2006. For pursuing higher studies, the petitioner applied leave from 01.10.2012 to 30.04.2013 and the same was sanctioned, however, without wages. In the meanwhile, in the place of the petitioner, one Krishnakumari was transferred. After completion of the examination, when the petitioner was reported for duty on 12.06.2013, he was not



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allowed to join duty. Therefore, the petitioner filed W.P.(MD) No. 11404/2013 challenging the transfer order of Krishnakumari. Thereafter, on 02.03.2015, he was directed to join duty at Karichipatti Panchayat Union Elementary School. It is his further case that for payment of salary from the date of requisition ie., from 12.06.2013 to 02.03.2015, the petitioner made a representation. However, the said request was turned down vide impugned order. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner was granted leave for pursuing higher studies, without salary and immediately, after finishing the examination, he reported for duty. However, he was not allowed and subsequently on 02.03.2015, he joined in the Karichipatti Panchayat Elementary School. He would further submit that after joining duty, when there is no default on the side of the petitioner, salary ought to have been paid disbursed for the period from 12.06.2013 to 02.03.2015 and therefore, he prays for interference.



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4. Heard the learned counsel for the respondent on the submission made by the learned counsel for the petitioner and perused the materials available on record.

5. The facts that the petitioner worked as Noon Meal Organiser and applied leave for pursuing higher studies are not disputed. Accordingly, leave was granted and after finishing the examination, when the petitioner reported for duty, he was denied and in his place, one Krishnakumari was posted by transfer. After filing a writ petition in WP(MD) No.11404/2013, challenging the appointment of Krishnakumari and the same is pending, the petitioner was reinstated in the year 2015 and was allotted to Karichipatti Panchayat Union Elementary School. The petitioner's claim is that for the period from 2013 to 2015, he is entitled for salary from the date of his requisition. However, admittedly, the petitioner has not joined duty and the same was considered in the year 2015. However, the fact remains that the petitioner has not physically employed from 2013 to 2015. When the petitioner was not in employment, applying the said ratio, 'no work, no pay', the petitioner is not entitled to be considered for salary. Hence, the



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respondent has rightly rejected the claim of the petitioner, which do not require any interference at the hands of this Court. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

20.02.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
RR
To
The Commissioner
Kadavur Panchayat Union,
(E) Taragampatti, Karur District



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M.DHANDAPANI, J.

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