



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

SUB APLC(MD)No.233 of 2023
in
CONT P(MD)SR No.59734 of 2023

K.Punithan

... Petitioner/ Petitioner/
Petitioner

Vs

1.D.Karthikeyan,
Principal Secretary to the
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department (MAWS),
Secretariat, Chennai – 600 009.

2.S.Sivarasu,
Director of Municipal Administration,
Chennai – 600 028.

3.K.Saravanan,
Regional Director of Municipal Administration,
Melakkal Main Road,
Kochadai,
Madurai – 625 016.

... Contemnors /
Respondents /
Respondents



Prayer: Sub Application filed under Section 151 of Code of Civil Procedure, pleaded to dispense with the production of the original / certified copy of order of this Court made in W.P(MD)No.13586 of 2023 dated 30.06.2023 for the present.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.C.Satheesh
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Government Advocate appearing for the respondents.

2. The petitioner was holding the post of Commissioner, Periyakulam Municipality. He was repatriated as Assistant Section Officer in Municipal Administration Department at Secretariat. This was questioned by him in W.P(MD)No.13586 of 2023. The writ petition was allowed on 30.06.2023. Questioning the same, the Department filed W.A(MD)No.1484 of 2023. It was dismissed by the Hon'ble Division Bench on 26.09.2023.



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3. The learned Additional Advocate General would state that the Department has already moved the Hon'ble Supreme Court of India.

4. The petitioner has not been paid his salary for the last four months. Subject to the order to be passed by the Hon'ble Supreme Court, the first respondent is directed to pay salary to the petitioner for the last four months. The petitioner shall continue to be paid his salary. There may be some practical difficulties. It is stated that in the place of the petitioner some other person has been already appointed and that it is not possible to pay salary to two persons for one post. In my view this is Government's own making. It is for the Government to device an appropriate solution. The methodology is to be worked out by the Government. I direct the respondents shall pay the salary arrears to the petitioner as expeditiously as possible.

5. This sub application is disposed of accordingly.

17.10.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Principal Secretary to the
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department (MAWS),
Secretariat, Chennai – 600 009.
- 2.The Director of Municipal Administration,
Chennai – 600 028.
- 3.The Regional Director of Municipal Administration,
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