



W.P.(MD).No.22517 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.22517 of 2018

D.Rajendran

... Petitioner

Vs.

1.The Project Officer,
District Rural Development Agency,
Office of the District Collector,
Pudukkottai.

2.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Kunnandarkovil Post,
Kulathur Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to permit the Petitioner to join duty as Block Co-ordinator and disburse the arrears of salary due to the Petitioner at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.P.Thambidurai
Government Advocate



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ORDER

The present petition has been filed for mandamus, directing the respondents to permit the petitioner to join the duty as Block Coordinator and consequently to disburse the salary.

2. The petitioner was initially appointed as Block Coordinator in Ponnamaravathi Panchayat Union on 05.10.2005 under the Rural Total Sanitation Scheme sponsored by the Central Government. Initially the petitioner was allocated with a work of supervising the construction of individual toilets, toilets in schools, Anganvadi Centres and Women Self Help Buildings etc., The petitioner was assigned to supervise the usage and maintenance of these toilets by the individuals and in institutions. Unfortunately, the petitioner met with an accident on 23.01.2015 and sustained grievous injuries in spinal cord and taking continuous treatment for more than 6 months. The petitioner again joined duty on 01.11.2016 and continued to work for more than 11 months. Again, the petitioner developed pain in the spinal cord and took treatment from 01.10.2017 onwards. The respondent has checked



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the petitioner's work and the 2nd respondent submitted a proposal for disbursement for salary to the 1st respondent. The 2nd respondent recommended to disburse the salary for 11 months from 01.11.2016 to 30.09.2017. On 01.11.2017, the petitioner was informed orally and he was not permitted to join the duty. Aggrieved over the same, petitioner submitted a representation dated 07.05.2018. Since nothing was forthcoming, the petitioner had filed the writ petition.

3. The respondents have filed counter stating that the petitioner unauthorizedly absented himself for 22.01.2015 to 02.03.2015, 01.05.2015 to 19.05.2015 and 01.08.2015 to 23.10.2016. Therefore, the petitioner was not allowed to continue the work.

4. Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondents.

5. The petitioner has annexed the medical certificate for the period with



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effect from 23.01.2015 for 39 days and for the period from 03.03.2015.

Thereafter, for the period of 450 days, the petitioner has approached the respondents to condone the delay with certain documents which indicates his illness and the treatment. The admitted fact is that the petitioner met with an accident and he had grievous injury in spinal cord. Therefore, he was not able to attend the duty. However, the petitioner had informed the respondent intermediately and sought long leave. Therefore, this Court is inclined to condone the long absence. However, the petitioner is not entitled to any monetary benefit for the period of non-employment period. The petitioner is entitled to continuity of service. The respondent is directed to allow the petitioner to join service within a period of two (2) weeks from the date of receipt of a copy of this order and grant all consequential benefits.

6. With this direction, this writ petition is allowed. No costs.

01.02.2023

NCC : Yes / No
Index : Yes / No



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Internet : Yes/ No

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To

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S.SRIMATHY, J.

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