



W.P.(MD).No.25521 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25521 of 2023

- 1.P. Ramachandran
2. Thangaraj
3. Muthamailselvan
4. Anusuya Devi
5. Annadurai
6. M.Subbuvalli
7. K.Shanthi
8. Saritha
9. Ganesan
10. Ayyappan

... Petitioners

Vs.

The Tahsildar,
Marungapuri Taluk,
Marungapuri,
Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 31.05.2023 (signed on 28.07.2023) of the respondent in Na.Ka.A3/1884/2023 and quash the same and consequently direct the respondent to pay the salary and other service benefits to the petitioners by treating the period from 14.12.2016 to



W.P.(MD).No.25521 of 2023

02.10.2017 as duty period.

WEB COPY

For Petitioners : Mr.J.Anandkumar
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed by the Village Assistants, challenging the order dated 28.07.2023 wherein the request of the petitioners for payment of salary between 18.01.2017 and 02.10.2017 has been rejected.

2. According to the learned counsel appearing for the writ petitioners, the appointment of Village Assistants was challenged in a writ petition and order of interim stay was granted on 05.12.2016. However, the said interim order was not brought to the notice of the authorities and an appointment order was issued to them on 14.12.2016. Aggrieved over the said appointment order, contempt proceedings was initiated as against the Department which was closed as the Department discharged the writ petitioners on 18.01.2017. Ultimately, the writ petition came to be dismissed on 18.09.2017 and the petitioners were reinstated in service on 02.10.2017.



W.P.(MD).No.25521 of 2023

WEB COPY

3. The request of the petitioners is that when ultimately the writ petition has been dismissed and his appointment has been upheld by the High Court, the salary between 18.01.2017 and 02.10.2017 has to be paid by the Department. However, the request has been rejected under the impugned order.

4. The learned Additional Government Pleader appearing for the respondents pointed out that in view of the orders passed by this Court in contempt proceedings, the petitioner has to be discharged on 18.01.2017 and immediately after the writ petition was dismissed, the petitioners were permitted to rejoin the duty. Therefore, for the period during which work was not extracted from them, due to court orders, the Department cannot be made to pay salary. Hence, he prayed for sustaining the order impugned in the writ petition.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.



W.P.(MD).No.25521 of 2023

WEB COPY

6. The Department had paid the salary to the writ petitioners for the period between 14.12.2016 and 18.01.2017. But due to the orders of this Court in the contempt proceedings, the petitioners have to be discharged by the Department on 18.01.2017 and only after the writ petition was dismissed on 18.09.2017, the petitioners had been permitted to rejoin duty on 02.10.2017. Therefore, there is no fault on the part of the respondent authorities in discharging the writ petitioners from duty for the period between 18.01.2017 to 02.10.2017. Hence, the Department cannot be directed to pay the salary for the said period, during which work was not extracted from them. However, for all other purposes, the services of the writ petitioners shall be reckoned from 14.12.2016 onwards.

7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

09.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

4/6



WEB COPY



W.P.(MD).No.25521 of 2023

To

The Tahsildar,
Marungapuri Taluk,
Marungapuri,
Trichy District.



WEB COPY



W.P.(MD).No.25521 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.25521 of 2023

09.11.2023