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W.P.No.13536 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.06.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**Writ Petition No.13536 of 2024**  
**and W.M.P.No.14685 of 2024**

P.Pari

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Revenue and Disaster Management Department,  
Fort St.George, Chennai – 600 009.
2. The District Collector,  
Nagapattinam District,  
Nagapattinam.
3. The Thasildar,  
Vedarnayam, Nagapattinam District.
4. The Thasildar,  
Thirukovilur, Nagapattinam District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 3<sup>rd</sup> respondent in Na.Ka.No.453/2022/A1, dated 17.06.2022 and to quash the same and consequently directing the respondents to sanction the unavailed duty period as earned leave period taken by the petitioner to join the promoted post of Revenue Inspector.



W.P.No.13536 of 2024

For Petitioner : Mr.S.Neduncheziyan  
for Mr.S.Venkatesan

For Respondents : Mr.S.Balamurugan  
Government Advocate

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**ORDER**

This writ petition challenges the order dated 17.06.2022, in and by which, the petitioner's request to credit the unavailed joining period as earned leave is refused.

2. Heard Mr.S.Nedunchezhian, learned counsel appearing for the petitioner and Mr.S.Balamurugan, learned Government Advocate appearing for the respondents.

3. Learned Government Advocate appearing for the respondents would submit that, as seen from the impugned order, the petitioner did not make a formal application and therefore, the impugned has rightly been passed.



W.P.No.13536 of 2024

4. On a perusal of the impugned order, it is clear that the petitioner has been relieved from the office of Tiruvarur at 16.10.2019 and promptly without any delay, on the next day, the petitioner joined his new post at Kariyapattinam. Such prompt and sincere workers have to be encouraged. The impugned order states that no formal application has been made by the petitioner in this regard. No such rule requiring such a formal application is brought to the notice of this Court. Be that as it may, even if such a rule is there, the same is only procedural. It would be in the best interests of the respondents to encourage these type of employees, who promptly joined the transfer place without availing joining time.

5. In such view of the matter, I am inclined to interfere with the impugned order. Accordingly, this writ petition is allowed on the following terms:

1. The impugned order of the third respondent bearing reference in Na.Ka.No.453/2022/A1, dated 17.06.2022 shall stand quashed.
2. The respondents are directed to consider the claim of the petitioner to credit the unavailed period of joining as earned leave as per the rules within a period of four (4) weeks from the date of receipt of a



W.P.No.13536 of 2024

copy of this order.

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**D.BHARATHA CHAKRAVARTHY, J.**

mp

3. No costs. Connected miscellaneous petition is closed.

**03.06.2024**

Neutral Citation: No

mp

To

1. The Principal Secretary to Government,  
Revenue and Disaster Management Department,  
Fort St.George, Chennai – 600 009.
2. The District Collector,  
Nagapattinam District,  
Nagapattinam.
3. The Thasildar,  
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**W.P.No.13536 of 2024**