



W.P.No.17806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17806 of 2024

P.Kandasamy

... Petitioner

Vs

1. The Director of Elementary Education,
Office of the Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600006.

2. The District Elementary Education Officer,
Office of the District Elementary Education,
Salem – 636001.

3. The Additional Assistant Elementary Education Officer,
Office of the District Elementary Education,
Thalaivasal, Salem – 636112.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize and sanction full salary for the period of absence of the petitioner from 27.11.2015 to 11.04.2023 for the absence was not wanton on the part of the petitioner but was only due to the deliberate attempts of the respondents to delay the reinstatement of the petitioner in service as per rules within the time stipulated by this Court.



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For Petitioner : Mr. Sushil Rajkumar. J

For Respondents : Mrs. S.Mythreye Chandru,
Special Governmentr Pleader

ORDER

The Writ Petition has been filed for directing the respondents to regularize and sanction full salary for the period of absence of the petitioner from 27.11.2015 to 11.04.2023.

2. The petitioner had joined the service as Secondary Grade Assistant Teacher on 15.09.1987 in the Government Primary School, Mummudi. Thereafter, he was promoted to the post of Head Master in the Government Primary School, Nathakkadu, Salem District. Further, he was promoted as Tamil Bt., Teacher in the Government Middle School, Veppampoodi, Salem District and thereafter, he was promoted to the post of Head Master in the Government Middle School, Manivizhunthaan Village. However, he was absent from duty from year 2015. Thereafter, the petitioner was issued charge memo under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, dated 14.07.2016, consisting three charges.



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However, the petitioner failed to report duty till the year 2023. By order dated 10.04.2023, the petitioner was reinstated into his service after the disciplinary proceedings. Now, the petitioner seeks the period of absence as duty and sanction full salary for those period.

3. Admittedly, the petitioner was absent from the years 2015 to 2023. However, after completion of the disciplinary proceedings, he was directed to re-instate the service. It does not mean that the period of absence can be treated as a duty period; therefore, he is not entitled to salary. Therefore, the direction sought for in this Writ Petition cannot be considered and it is liable to be dismissed.

4. In the result, this Writ Petition is dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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