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W.P.No.17361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

C O R A M

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17361 of 2023
and W.M.P.Nos.16507 and 16508 of 2023

M. Rathakrishnan

... Petitioner

Vs.

1. The Principal Chief Engineer,
Public Works Department, W.R.O.,
Chennai - 5.

2. The Executive Engineer,
Public Works Department, W.R.O.,
Thirumurthi Division,
Udumalaipet, Tirupur District.

3. The Assistant Executive Engineer,
Building Construction & Maintenance,
Sub-Division, Public Works Department,
Tuticorin.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to call for the entire records relating to the impugned order passed by the second respondent in his proceedings vide Letter No.Aatchi.2/Ko.27/2020, dated 08.01.2020 and quash the same and consequently, direct the respondents to disburse the Medical Leave salary and



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bonus from 01.06.2013 to 31.09.2014 and Medical Leave Salary and bonus from 01.06.2013 to 31.09.2016 and increment from 01.01.2006 to 01.01.2009 and from 2012 to 2015 respectively to the petitioner.

For Petitioner : Ms.R.Hemalatha

For Respondents : Mr.S.Arumugam
Government Advocate

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ORDER

The present Writ Petition has been filed challenging the order passed by the second respondent dated 08.01.2020 thereby rejected the request made by the petitioner seeking bonus and yearly increment.

2. The learned counsel for the petitioner submits that the petitioner was appointed as Helper in the respondents Department on 20.03.1993 and subsequently, he was transferred to P.W.D., Udumalaipet, on 03.01.2006. Thereafter, he was on Medical Leave and subsequently, rejoined on 24.03.2016. Later, he was promoted as Work Inspector on 02.08.2021 at Tuticorin and still he is in service. Due to illness, he had absent for a period of 10 years. Those period was regularized as leave with loss of pay. However, the petitioner made a request for bonus and yearly increment for those period and the same is rejected by the second respondent. Hence, this petition is filed.



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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The Rule is clear that only an employee, who works continuously without leave on loss of pay and without break-in-service, is entitled for bonus and yearly increment. Therefore, the claim of the petitioner was rightly rejected by the second respondent. I do not find any infirmity or illegality in the order passed by the second respondent.

5. Thus, the relief sought for in this Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

26.07.2024

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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Chief Engineer,
Public Works Department, W.R.O.,
Chennai - 5.
2. The Executive Engineer,
Public Works Department, W.R.O.,
Thirumurthi Division,
Udumalaipet, Tirupur District.
3. The Assistant Executive Engineer,
Building Construction & Maintenance,
Sub-Division, Public Works Department,
Tuticorin.

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26.07.2024