



W.P.Nos.32995 & 36407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.32995 & 36407 of 2023

WP.No.32995 of 2023

R.Murugesan

... Petitioner

Vs.

- 1.The Director of Town Panchayat,
7th & 8th Floor,
Urban Administrative Office Campus,
Chennai 600 028
- 2.The District Collector,
Salem District,
Salem
- 3.The Additional Director of Town Panchayat,
Office of Collectorate,
Salem District,
Salem
- 4.The Executive Officer,
Attayampatti Town Panchayat,
Attayampatti,
Salem District
- 5.R.Gunalan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the fourth respondent to permit the petitioner to join in the duty and disburse the pending salary



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of the petitioner for the period of April 2023, June 2023 to October 2023.

For Petitioner : Mr.K.A.Prabaharan

For Respondents

For R1 to 3 : Mrs.R.L.Karthika,
Government Advocate

For R4 : Mr.V.Jeevagiridharan

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R.Murugesan

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Salem District,
Salem
- 4.The Executive Officer,
Attayampatti Town Panchayat,
Attayampatti,
Salem District
- 5.R.Gunalan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to permit the petitioner to join in the duty as per the notice issued by



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the fourth respondent in Na.Ka.No.04/2023 dated 19.12.2023 without compelling the petitioner to produce the leave letter for medical leave and withdraw the writ petition pending in WP.No.32995 of 2023 and direct the respondents to disburse the pending salary of the petitioner for the period of April-2023, June-2023 to till date.

For Petitioner : Mr.K.A.Prabaharan

For Respondents

For R1 to 3 : Mrs.R.L.Karthika,
Government Advocate

For R4 : Mr.M.Rajendran

COMMON ORDER

The writ petition in WP.No.36407 of 2023 has been filed for direction to respondents 1 to 4 to permit the petitioner to join duty as per the notice issued by the fourth respondent dated 19.12.2023 without compelling him to produce leave letter for medical leave and without compelling him to withdraw the writ petition in WP.No.32995 of 2023.

2. The petitioner was appointed as Overhead Reservoir Tank Operator in the fourth respondent Office on 16.12.2009. His primary



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duty is to operate the tank and pipelines of the Attayampatti Village Panchayat. However, he was assigned additional duty to collect water tax from the village people from the month of March 2023. He also collected water tax from the village people and village local shops. Further, the fourth respondent directed the petitioner to lock and seal the doors of the panchayat shops, those who did not pay taxes. Therefore, the petitioner objected the same and failed to do the job of locking shops during night time which is against the Rules. Therefore, he was not paid salary for the month of April 2023. Thereafter, the petitioner was not assigned any duty and he was prevented by the fourth respondent from entering his name in the office register book from 20.06.2023. Therefore, the petitioner also impleaded him in the personal capacity.

3. Though notice was served on the fifth respondent, no one appeared on behalf of the fifth respondent before this Court either in person or through pleader.



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4. It is seen that the petitioner was served with office memorandum dated 13.10.2023 thereby informing that the petitioner did not report for duty from 21.06.2023 and directing to submit explanation. The petitioner submitted detailed representation on 28.10.2023 and requested the fourth respondent to permit him to join in the duty. However, the petitioner was not permitted to join duty and he was not paid salary. Therefore, the petitioner approached this Court in WP.No.32995 of 2023 for direction to the fourth respondent to permit him to join duty and disburse pending salary of the petitioner. While pending writ petition, the fourth respondent issued notice dated 19.12.2023 thereby directed the petitioner to report for duty. When the petitioner reported for duty before the fourth respondent on 21.12.2023, the fourth respondent did not allow him to sign in the attendance register. Further, he was compelled to withdraw the writ petition in WP.No.32995 of 2023 and also directed to give leave letter for the period from July 2023 to December 2023 as if the petitioner fell ill. When the petitioner refused to do so, the fourth respondent did not allow him to sign in the attendance register.



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5. In view of the above, the third respondent is directed to issue proper direction to the fourth respondent to permit the petitioner to join duty as per the order dated 19.12.2023 passed by the fourth respondent and also to disburse the pending salary of the petitioner for the month of April 2023 to October 2023 forthwith.

6. With the above direction, the writ petition in WP.No.36407 of 2023 is disposed of.

7. In view of the above order passed in the writ petition in WP.No.36407 of 2023, the writ petition in WP.No.32995 of 2023 is closed.

There shall be no order as to costs.

20.02.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

1. The Director of Town Panchayat,
7th & 8th Floor,
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2. The District Collector,
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Salem
3. The Additional Director of Town Panchayat,
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4. The Executive Officer,
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G.K.ILANTHIRAIYAN, J.

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