



W.P(MD)No.1463 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.1463 of 2024

P.Shanmugapandian

... Petitioner

Vs.

- 1.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai.
- 2.The District Environmental Engineer,
Office of the District Environmental Engineer,
Dindigul.
- 3.The Assistant Director,
Office of the AEL
(Advanced Environmental Laboratory),
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.12.2023 within stipulated time fixed by this Court to sanction and pay the arrears



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of petitioner's salary from 01.09.2022 to 31.09.2023 and 01.10.2023 to till this date with interest.

For Petitioner : Mr.K.R.Manimaran

For Respondents : Mr.Vijayakumar Natarajan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 16.12.2023 within stipulated time fixed by this Court to sanction and pay the arrears of petitioner's salary from 01.09.2022 to 31.09.2023 and 01.10.2023 to till this date with interest.

2. Heard the learned counsel on either side.

3. The petitioner was appointed in the post of Driver in the Office of the District Environment Engineer, Dindigul vide proceedings dated 14.03.1996. During pandemic, in the year 2019, the petitioner suffered eye sight defects in his left eye. For which, he has taken treatment at



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Aravind Hospital, Madurai. In the meanwhile, due to administrative reasons, the first respondent had issued a consolidated transfer order to the drivers vide proceedings dated 07.01.2021 wherein the petitioner has been transferred from office of the District Environment Laboratory, Dindigul to the Advanced Environmental Laboratory, TNPCB, Coimbatore. However, the petitioner requested the first respondent to permit the petitioner to do his duty at DEL, Dindigul, due to health issue.

4. For which, he has made several representations to the authorities concerned. However, no action has been taken to that effect. Hence, the petitioner filed W.P.No.13951 of 2021 before the Principal Seat of this Court and the Court was pleased to direct the first respondent to consider the petitioner's representation dated 17.02.2022 on merits in accordance with law and pass appropriate orders within a period of twelve (12) weeks from the receipt of copy of the order. Since the first respondent had not taken any steps in pursuance to the order passed by this Court, the petitioner filed Cont.P.No.763 of 2022 before the Principal Seat of this Court and the same was closed on 27.04.2022.



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5. Thereafter, the petitioner was transferred to Dindigul from Coimbatore on 26.07.2022. Due to severe diabetes, the petitioner had been in medical leave during the period of earlier transfer and even after being transferred to Dindigul, immediately after joining, he availed medical leave. Thereafter, he was transferred to Madurai. After joining Madurai, he continues to be in medical leave because of medical illness. Hence, his salary was not paid from 01.09.2022 to 31.07.2023 and 01.10.2023 to till date. Hence, he made a representation on 16.12.2023 seeking salary for the said period. The same was not considered. Hence, this writ petition came to be filed.

6. It is made clear that without going into the merits of this case, I direct the respondents to consider the representation of the petitioner dated 16.12.2023 and pass appropriate orders regarding the payment of arrears of salary within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

31.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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