



W.P.(MD).No.12739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12739 of 2024

K.Punithan

...Petitioner

Vs

1.The Director of Municipal Administration,
Chennai – 600 028.

2.The Regional Director of Municipal Administration,
Madurai Region,
Kochadai,
Madurai – 625 106.

3.The Commissioner,
Periyakulam Municipality,
Periyakulam,
Theni District.

...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 disburse the salary to the petitioner by considering the petitioner's representation dated 30.05.2024 within a stipulated period fixed by this Court.



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For Petitioner : Mr.S.Srinivasa Raghavan
For R-1 and R-2 : Mr.J.Ashok
Additional Government Pleader
For R-3 : Mr.N.Dilip Kumar

ORDER

Heard Mr.S.Srinivasa Raghavan, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the 1st and 2nd respondents and Mr.N.Dilip Kumar, learned counsel for the 3rd respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to disburse the salary to the petitioner by considering the petitioner's representation dated 30.05.2024.

3. Mr.S.Srinivasa Raghavan, learned counsel for the petitioner submitted that the petitioner while he was working in the third respondent Municipality received an order of reversion dated 05.04.2023, stating that the petitioner has involved in continuous



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activities of corruption and challenging the same, the petitioner has filed the Writ Petition in W.P.(MD).No.8556 of 2023 and this Court vide order dated 18.04.2023 allowed the said Writ Petition by quashing the order of reversion and re-posting the petitioner as Municipal Commissioner, Periyakulam Municipality. Thereafter, the petitioner was issued with a charge memo dated 23.05.2023 and after conducting enquiry, he was again reverted from the post of Municipality Commissioner of Periyakulam Municipality to the post of Assistant Section Officer, Secretariat on 02.06.2023. Another person by name, S.Ganesan assumed charge to the post of the petitioner on the same day.

4. Mr.S.Srinivasa Raghavan, learned counsel for the petitioner submitted that as against the above order, the petitioner has filed Writ Petition in W.P.(MD).No.13586 of 2023, seeking to quash the order of reversion dated 02.06.2023 and this Court vide order dated 30.06.2023 allowed the Writ Petition. As against the same, the Government filed Writ Appeals in W.A.(MD)No.932 and 1484 of 2023 and the Division Bench vide order dated 26.09.2023 dismissed those Writ Appeals. Though the Writ Appeals were dismissed, the petitioner was not inducted into service and the salary was also not paid to him.



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5. It was brought to the notice of this Court that the petitioner has made similar request by way of filing a Contempt Petition on the allegation that the respondent authorities have not complied the order of this Court dated 30.06.2023, passed in W.P.(MD)No.13586 of 2023.

6. In the sub application filed in Sub Apln (MD)No.233 of 2023 in Contempt Petition (MD) SR.No.59734 of 2023, this Court vide order dated 17.10.2023, has passed the following order:

“4. The petitioner has not been paid his salary for the last four months. Subject to the order to be passed by the Hon’ble Supreme Court, the first respondent is directed to pay salary to the petitioner for the last four months. The petitioner shall continue to be paid his salary. There may be some practical difficulties. It is stated that in the place of the petitioner some other person has been already appointed and that it is not possible to pay salary to two persons for one post. In my view this is Government's own making. It is for the Government to device an appropriate solution. The methodology is to be worked out by the Government. I direct the respondents shall pay the salary arrears to the petitioner as expeditiously as possible.”



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7. Now, the petitioner has filed the Writ Petition seeking to disburse the salary for the further period for which he has not been paid with the salary. No doubt, the earlier order dated 17.10.2023 passed in Sub Aplc(MD)No.233 of 2023 in Cont.P(MD)SR.No.59734 of 2023, directed payment of salary for four months and also for the subsequent months until the above order is not set aside.

8. The learned Additional Government Pleader submitted that the respondents have filed a Special Leave Petition (Civil) Diary No(s). 10035 of 2024 and the Hon'ble Apex Court by order dated 15.03.2024 has directed as follows:

“Issue notice on the application seeking condonation of delay as well as on the special leave petition.

There shall be stay of contempt proceedings, if any, till the next date of hearing”.

9. No doubt, the contempt proceedings is kept pending in view of the above order. However, the said order does not stay the interim order made in the Contempt Petition for disbursing the arrears of salary.



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10. Since the petitioner had given a representation dated 30.05.2024 to the respondents for seeking disbursal of salary and the same was not considered so far, the petitioner filed this Writ Petition seeking a direction against the respondents to disburse the salary.

11. In view of the same, this Writ Petition is **disposed of** with a direction to the respondents to consider the petitioner's representation dated 30.05.2024 and pass appropriate orders in the light of the earlier orders passed in this regard and which is still in force, within a period of four weeks from the date of receipt of a copy of this order. No costs.

18.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

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