



W.P.(MD)No.15103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15103 of 2024

C.Ganesh

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Headquarters of Forest Department,
Guindy-Velacheri Main Road,
Near Kannigapuram Check Post,
Guindy, Chennai-600 032.

2.The Conservator of Forest and Field Director,
Kalakad Mundanthurai Tiger Reserve,
NGO "B" Colony,
Perumalpuram,
Tiruneleli-627 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to pay salary to the petitioner for the periods from 15.05.2023 to 31.05.2024 and pay the salary thereafter, continuously.

For Petitioner : Mr.VOS.Kalaiselvam
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader



W.P.(MD)No.15103 of 2024

ORDER

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By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.VOS.Kalaiselvam, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3.The petitioner, who was joined in service as Typist in the first respondent office on 24.10.2017, has been transferred to the second respondent office on 12.05.2023 at his request. However, from the date of joining in the second respondent office to till date, the salary of the petitioner had not been paid. Hence, the petitioner has filed this writ petition seeking disbursement of salary from 15.05.2023 to 31.05.2024.

4.The learned Additional Government Pleader for the respondents submitted that even though the petitioner was posted in the second respondent Office, there is no sanctioned post available in the cadre of Typist in order to accommodate the petitioner in the second respondent office. The Integrated Financial and Human Resources Management System (IFHRMS) portal does



W.P.(MD)No.15103 of 2024

not have the provision for own sanctioned post. Hence, it is not possible to pass the petitioner's salary bill, even though he worked in the second respondent office during the relevant period.

5.He further submitted that the petitioner had now been transferred back to Ramanathapuram, wherein the sanctioned post of Typist is available. If the petitioner joins duty at Ramanathapuram, there would be no difficulty in passing the salary bill of the petitioner and disburse the salary to him.

6.The employee cannot be transferred to the place, where the post, to which the employee was selected, is not sanctioned merely on the ground of request. If such transfer order is given, the said employee cannot be allowed to function in his capacity in the transferred place.

7.The petitioner herein had continued to work for 14 months in the transferred place without any break, though there is no sanctioned post available and subsequently, he is transferred to Ramanathapuram. The said fact is not denied by the respondents. Therefore, the petitioner is entitled to get the salary for the said period.



W.P.(MD)No.15103 of 2024

8.In view of the above, the arrears of salary of the petitioner can be drawn in the new place, where the petitioner is presently transferred, through IFHRMS. It is also made clear that if any audit objection is raised in this regard, it is for the first respondent to give proper explanation and see the salary bill of the petitioner is cleared without any hurdles.

9.With the above observation, this writ petition is allowed. No costs.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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W.P.(MD)No.15103 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.15103 of 2024

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