



WP(MD) No.17040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17040 of 2024

M.Muthumuniyandi

... Petitioner

Vs.

1. The Commissioner,
Social Welfare Department,
Commissionerate of Social Welfare Office,
Panagal Building,
Chennai - 600015.

2. The District Social Welfare Officer,
Social Welfare Department,
Virudhunagar District,
Collectorate Campus,
Virudhunagar.

... 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 regularize the Petitioner's non-employment period from



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26.03.2011 to 19.06.2011 as his duty period with all attendant benefits and disburse the salary to those periods within the time stipulated by this Court by considering the petitioner's representations dated 29.05.2020 and 10.11.2023 and for other reliefs.

For Petitioner : Mr.J. Lawrance
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to regularize the Petitioner's non-employment period from 26.03.2011 to 19.06.2011 as his duty period with all attendant benefits and disburse the salary to those periods within the time stipulated by this Court by considering the petitioner's representations dated 29.05.2020 and 10.11.2023 and for other reliefs.

2. Heard Mr.J. Lawrance, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. Earlier, the petitioner has filed a writ petition in W.P. (MD)No.3400 of 2011 by challenging the order of transfer. In the said writ petition, an interim order has been given staying the order of transfer. But however, the petitioner was not allowed to join neither in the old station nor in the new station and after the writ petition was allowed, the petitioner was posted in the same place. However, the period out of service was not regularised so far. The petitioner claims that he was out of service in view of the unwillingness on the part of the respondents to allow him to work and further, in the said writ petition filed by him, his right has been upheld and that the above period should be regularized.

5. The learned Government Advocate submitted that even before the interim stay is granted, the petitioner had been relieved from service and the petitioner by taking advantage of the order of stay did



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not opt to join in any of the places and hence, the petitioner is not entitled to get salary for the period during which he was out of service.

6. However, the representation given by the petitioner was forwarded and recommended to the appropriate authority/1st respondent to consider the period out of service as duty, but so far as no order has been passed in this regard.

7. In view of the same, the writ petition is **disposed of** and the respondents are directed to consider the representation of the petitioner, dated 10.11.2023 and pass orders within a period of two weeks from the date of receipt of a copy of this order. No costs.

26.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17040 of 2024

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