



W.P.(MD).No.27132 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27132 of 2024

and

W.M.P.(MD).No.23027 of 2024

1. C.Kannan
2. G.Dhanapal
3. M.Gokul Doss
4. V.Gunasekaran
5. B.Valarmathi
6. G.Vijayalakshmi

... Petitioners

-VS-

1. The State of TamilNadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai-600 009.

2. The Director of School Education,
DPI Campus,
Nungampakkam,
College Road,
Chennai-6.

3. The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai-600 005.

... Respondents



W.P.(MD).No.27132 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the period of Compulsory wait for orders of posting as duty period with continuity of service and pay the service benefits due to the petitioners in the light of Rule 9(6)(3) of the Fundamental Rules.

For Petitioner : Mr.H.Mohammed Imran
for
M/s.Ajmal Associates

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by Office Assistants working in various schools seeking a mandamus to regularize the period of compulsory wait for orders of posting as duty period with continuity of service and pay service benefits to the petitioners in the light of Rule 9(6)(3) of Fundamental Rules.

2. The petitioners herein were appointed as Office Assistants in the year 1991 and 1998. They were ousted from service in the year 2002, for want of vacancy. However, they were given posting orders under G.O.Ms. No.23, School Education Department, dated 02.03.2005.



W.P.(MD).No.27132 of 2024

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3. A perusal of Paragraph No.4 of the said Government Order reveals that the period of non-employment was treated as on extraordinary leave without salary, without medical certificate. Aggrieved over the said Government Order, treating the period as an extraordinary leave, the petitioners have given a representation to the Director of School Education. The Director of School Education has forwarded a proposal to the first respondent herein seeking to treat this period as duty period. Another proposal was forwarded by the Director of School Education to the first respondent on 14.08.2009. The District Collector, Thanjavur has also addressed a communication to the third respondent dated 18.11.2016, seeking clarification. However, so far the first respondent has not passed any orders, whether treating the said period as an extraordinary leave or duty period. Hence, the present writ petition has been filed.

4. Considering the above said facts, the first respondent herein is directed to consider the proposal forwarded by the second respondent on 04.05.2009, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD).No.27132 of 2024

WEB COPY

5. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2024
(½)

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.27132 of 2024

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To

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W.P.(MD).No.27132 of 2024

R.VIJAYAKUMAR,J.

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W.P(MD)No.27132 of 2024

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