



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24979 of 2010

1.R.Ramasamy (Deceased)

2.G.Saroja

3.R.Kalaiselvi

4.Nirmala Devi

5.Yazhini Sri

6.Magadheeshwar

... Petitioners

*P2 to P6 substituted as LR's of deceased sole petitioner P1 vide order dated 12.06.2025 made in WMP.No.23659 of 2025.

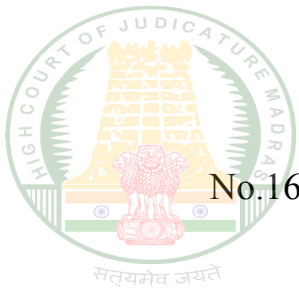
Vs.

1.The State of Tamilnadu,
Represented by its
Principal Secretary to Government
Industries (E.1) Department
Fort St.George, Chennai – 600 009.

2.The Commissioner & Director
Department of Geology & Mining,
Guindy, Chennai – 600 032.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the first respondent herein the principal secretary to Government Industries (E.1) Department by his impugned order Letter (Ms)



No.16422/E.1/2009-8 dated 14.07.2010 and quash the same.

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For Petitioner : Mr.S.Kingston Jerold

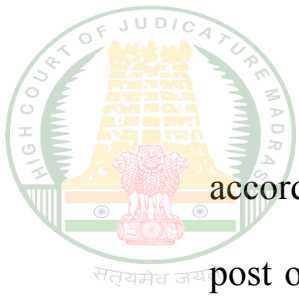
For Respondents : Mr.K.H.Ravikumar
Government Advocate.

ORDER

This writ petition has been originally filed by the 1st petitioner challenging the Letter (Ms) No.16422/E.1/2009-8, dated 14.07.2010 of the 1st respondent insofar as not treating the extraordinary leave period from 23.11.1977 to 22.11.1997 as duty period is concerned.

2. During the pendency of this writ petition, the 1st petitioner died and accordingly, the petitioners 2 to 6 herein were brought on record, being the legal representatives of the deceased 1st petitioner.

3. The 1st petitioner (hereinafter referred to as 'petitioner') herein, while working as a Geological Assistant in the Department of Geology and Mining, he was selected by the Government of Tamil Nadu to be sent to Russia for a specialization in Post-Doctorate Training Programme for two years, and accordingly, the petitioner has undergone the said course in terms of various orders issued by the Government in favour of the petitioner, and



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accordingly, on completion of the said training, the petitioner joined in the post of Geological Assistant, and continued in service, and then retired from service in the year 2000. The said period from 23.11.1977 to 22.11.1979 was treated as extraordinary leave. The petitioner, having completed training in Russia, joined the post of Geological Assistant and continued in service for about 20 years, and then made a claim for treating the said study period as duty period instead of extraordinary leave and the same was negatived by the respondents by passing an order dated 01.06.1998, on the ground that the said claim, having been made after a period of 20 years, cannot be considered on the ground of non-availability of relevant records. However, this Court, while disposing of W.P.No.11261 of 2003 filed by the petitioner, having taken note of the order dated 01.06.1998 referred to above, directed the respondents to reconsider the claim of the petitioner for treating the above said period as duty period as against the extraordinary leave. It is pursuant to the said order dated 19.06.2009 passed in W.P.No.11261 of 2003, the claim of the petitioner for the said relief along with certain other reliefs was considered and the same was negatived by passing the impugned order.

4. Heard Mr.S.Kingston Jerold, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents.



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5. The petitioner was fully aware of the stand taken by the Government to treat the said study period from 23.11.1977 to 22.11.1979 as extraordinary leave, much before going to abroad for the said training, and also immediately after coming back and joining the post of Geological Assistant. Having been fully aware of the same, the petitioner has not raised any objection for the same till the year 1997, and submitted a representation dated 12.03.1997 for the first time to treat the said period as duty period. The said representation was negatived by passing an order dated 01.06.1998. The said order was also not challenged by the petitioner by initiating any appropriate proceedings as on date. However, the learned Division Bench of this Court, having taken note of the said order dated 01.06.1998 directed for reconsideration by collecting necessary records.

6. The fact remains that the claim that is being made by the petitioner to treat the above said period as duty is made after a lapse of more than 20 years. Further, the petitioner, having accepted the terms and conditions of sponsoring him to go for abroad training, and having undergone the training, having acquired the qualification, and availed the benefits of scholarship and other pecuniary benefits in terms of the orders issued while



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sponsoring him for such training, cannot be permitted to go around and to make a claim to treat the said period as duty period, and to grant him increments and other service benefits for the said study period for which period the petitioner had not actually rendered any service. Further, the action of the respondents in treating the said period as extraordinary leave is not under challenge as on date. In the absence of any challenge to the orders issued by the respondents treating the said period as extraordinary leave, the question of treating the said period as duty period does not arise.

7. In the light of the above, this Court is not inclined to interfere with the impugned proceedings on the ground of delay and laches as well as on merits. Accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

23.07.2025

dpa

Index : Yes / No

Speaking order / Non-speaking order

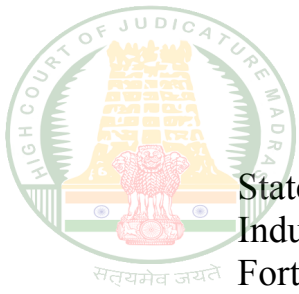
Neutral Citation : Yes / No

MUMMINENI SUDHEER KUMAR, J.

dpa

To

1.The Principal Secretary to Government



W.P.No.24979 of

State of Tamilnadu,
Industries (E.1) Department
Fort St.George, Chennai – 600 009.

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2.The Commissioner & Director
Department of Geology & Mining,
Guindy, Chennai – 600 032.

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