IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 7396 of 2018

N.Senthilkumar … Petitioner

-vs-

1. The District Revenue Officer
   Dindigul District
   Dindigul.

2. The District Collector
   Dindigul District
   Dindigul.

3. The Director
   O/o. The Director of Survey and Settlement
   Ezhilagam, Chepauk
   Chennai-600005.

4. The Commissioner of Revenue Administration
   Ezhilagam, Chepauk
   Chennai-60005.

5. The Secretary to Government
   Revenue Department
   Secretariat, Fort St. George
   Chennai-600009. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Proceedings Na.Ka.A1/6959/2013 dated 15.09.2017 on the file of the third respondent and proceedings Na.Ka.No.03/2013/A2 dated 27.09.2013 on the file of the first respondent and quash the same; consequentially direct the respondents to pass appropriate orders to treat the period of 25.09.2013 to 19.04.2014, for 117 days as compulsory wait and duty period in accordance with Rule 9(6)(b)(3) of the Tamil Nadu Government Fundamental Rules with all service and consequential benefits including arrears of salary and other attendant benefits and to pay duty pay along with all eligible allowances with 18% of interest for delay in payment and to treat the above 117 days as the petitioner Revenue Inspector training period and to pass necessary orders for sanctioning unearned leave on medical certificate for the period 28.11.2012 to 25.12.2012, earned leave for the period 02.01.2013 to 10.01.2013 and to draw and pay interest @ 18% per annum for the belated payment of leave salary due to him for the period 01.09.2013 to 24.09.2013, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.T.Chezhian, AGP

ORDER

The writ petition has been filed to call for the records pertaining to the impugned order in Proceedings Na.Ka.A1/6959/2013 dated 15.09.2017 on the file of the third respondent and proceedings Na.Ka.No.03/2013/A2 dated 27.09.2013 on the file of the first respondent and quash the same; consequentially direct the respondents to pass appropriate orders to treat the period from 25.09.2013 to 19.04.2014, for 117 days as compulsory wait and duty period in accordance with Rule 9(6)(b)(3) of the Tamil Nadu Government Fundamental Rules with all service and consequential benefits including arrears of salary and other attendant benefits and to pay duty pay along with all eligible allowances with 18% interest for delay in payment and to treat the above 117 days as the petitioner's Revenue Inspector training period and to pass necessary orders for sanctioning unearned leave on medical certificate for the period from 28.11.2012 to 25.12.2012, earned leave for the period 02.01.2013 to 10.01.2013 and to draw and pay interest at 18% per annum for the belated payment of leave salary due to him for the period from 01.09.2013 to 24.09.2013, within a reasonable time to be fixed by this Court.

2. Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.T.Chezhian, learned Additional Government Pleader for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. Even though the petitioner has claimed relief in respect of sanction of ML etc., the learned counsel for the petitioner submitted that he confines his relief only in respect of 117 days as stated already.

4. The petitioner was working as Revenue Inspector in Dindigul District. He has availed 72 days of leave out of which 37 days fall in the training period. After the expiry of the leave, the petitioner reported for duty before the

Tahsildar, Vedasanthur on 25.09.2013, but the Tahsildar had not allowed him to join duty by stating that the Revenue Inspector post in Dindigul District has already been filled up and he was directed to report before the District Revenue Officer for a fresh posting. On the same date, the petitioner appeared before the District Revenue Officer and made written request to allow him to complete the training for the remaining short period of 37 days. As no orders have been passed by the District Revenue Officer, he once again appeared before the District Revenue Officer on 30.09.2013 and at that point of time, he was informed that he has already been relieved from training by order dated 27.09.2013 against which the petitioner filed appeal petitions before the first and second respondents on 30.09.2013 to provide further training to equalize the shortage period.

5. Thereafter, the petitioner reported before the P.A. to Commissioner of Survey and Settlement on 15.10.2013 for getting posting, but he was instructed to address to the Commissioner of Survey and Settlement to make necessary recommendations to the second respondent to provide balance training for 37 days. As no orders have been passed on his petitions, the petitioner had submitted petitions dated 13.12.2013 and 18.12.2013 to the third, fourth and fifth respondents respectively requesting to issue suitable posting to him to avoid loss of duty period. Only on 20.01.2014, the petitioner was allowed to join duty in the office of the third respondent on 21.01.2014.

6. The learned counsel for the respondents submitted that despite the petitioner was relieved from the training, he did not opt to report before the third respondent and he was unnecessarily making representation after representation for extending the training period.

7. In fact, on 23.12.2013, he was given with the memorandum stating that immediately after he was relieved from the training, he ought to have reported before the parent department, namely, the Director of Survey and Settlement, and only then, he would have been given with the posting orders. It appears from the petitioner's own reporting letter dated 20.01.2014 that in compliance with the memorandum issued by the third respondent dated 23.12.2013, he assumed duty from the forenoon on 20.01.2014.

8. The contention of the petitioner is that he was kept under compulsory wait for the purpose of posting, but the records reveal the basic manner in which the petitioner himself has approached his own department. When the petitioner was informed in the earlier occasion itself that he was relieved from training during which he was on leave, he did not accept the same and he went on filing the appeal before the District Collector, Dindigul. It would be at the liberty of the petitioner to file an appeal challenging the order dated 27.09.2013, which relieved him from the training, but he ought to have reported before the third respondent immediately after he came to know that he was relieved from the training on 21.08.2013. The petitioner also came to know about the same on 27.09.2013 itself.

9. In fact, in the said proceedings dated 27.09.2013, the petitioner has been asked to approach the parent department and get the posting orders, but he has approached the parent department only after the memorandum was issued to him on 23.12.2013. Even according to the petitioner's own letter dated 20.01.2014, as per the memorandum issued by the third respondent dated 23.12.2013 and the memorandum dated 20.01.2014, he has chosen to join duty only on 20.01.2014. The petitioner's failure to report before his parent department in order to get postings cannot be at the fault of any of the respondents, but at his own risk.

10. At this juncture, the learned counsel for the petitioner interfered and submitted that on 15.10.2013 itself, the petitioner has appeared before the third respondent for reporting duty.

11. In the letter of the petitioner dated 15.10.2013, he has not stated that he himself is present to join duty, but he only requested the third respondent to post him in Dindigul itself as Revenue Inspector and enable him to complete the remaining period of training. Only in the order dated 20.01.2014, he has stated for the first time that he is going to join duty. As the petitioner did not heed to the earliest advise given to him on 27.09.2013 itself and he was making delay from 27.09.2013 to 20.01.2014, he cannot blame the respondents.

12. Even now the petitioner has been promoted to the post of Tahsildar by considering that the training he has already undergone was sufficient enough to accommodate him as the Tahsildar. The petitioner has been trying to get the post in Dindigul District itself in the pretext of completing training without proceeding to join duty until he was given with the memo dated 23.12.2013 and thereafter on 20.01.2014. The period between 25.09.2013 and 27.09.2013 could be considered as a reasonable excuse for not reporting to the third respondent for the purpose of joining duty, but it is completely at the risk of the petitioner that he had wasted the period between 27.09.2013 and 20.01.2014 by not reporting for duty.

13. Even though the petitioner has been informed to appear before the parent department, he did not choose the said course. The steps taken by the petitioner were at his own volition. If the order dated 27.09.2013 is cancelled, that will directly affect the posting of the Tahsildar. The remaining 37 days of training itself has been condoned by the department and that cannot be the ground to challenge the order dated 27.09.2013. The other order, which had considered 117 days as loss of pay could be revised with regard to the period from 25.09.2013 to 27.09.2013 alone. The rest of the absence has already been recognized as loss of pay and the records justify the action of the third respondent.

14. So, the writ petition is partly allowed in respect of three days i.e., 25.09.2013 to 27.09.2013, in order to consider it as duty period. With regard to the orders passed in respect of 114 days, this writ petition is dismissed. No costs.

09.04.2025

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
Maya

To

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   Dindigul.

2. The District Collector
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   Secretariat, Fort St. George
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R.N.MANJULA, J.

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