



WEB COPY



W.P.No.16621 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.16621 of 2025
and
W.M.P.Nos.18794 and 18804 of 2025

S.Vasuki

... Petitioner

Vs.

1. The Director,
Adhi Dravidar Welfare Department,
Ezhilagam,
Chennai – 5.
2. The District Welfare Officer,
Adhi Dravidar Welfare Office,
Thiruvarur.
3. The Headmistress,
Government Adhi Dravidar Primary School,
Savalakaran Village,
Mannargudi Taluk,
Thiruvarur District.
4. The Headmaster,
Government Adhi Dravidar Welfare
Higher Secondary School,
Savalakaran Village,
Mannargudi Taluk,
Thiruvarur District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in Na.Ka.No.5594/2022/K4 dated 16.04.2025 passed by the second respondent and quash the same and further direct the respondents to pay the salary of the petitioner for the period 08.02.2023 to 24.04.2023 for not allowing the petitioner to join the duty even on production of the interim stay order passed by this Court on 21.02.2023 in W.M.P.No.4472 of 2023 and W.P.No.4446 of 2023 and which was in force till 10.03.2023 when the transfer order passed against the petitioner was suo motu cancelled by the first respondent by his order in Na.Ka.No.R3/32658/2022 dated 24.04.2023 within the time frame fixed by this Court.

For Petitioner	: M/s.R.T.Shyamala
For Respondents	: Mr.G.Nanmaran, Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 16.04.2025, by and in which the period from 08.02.2023 to 24.04.2023 was regularized under Rules 8(a), (b), 17(1), and 20 of the Tamil Nadu Leave Rules, by adjusting that period as the petitioner's earned leave.



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2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner would submit that she was transferred from the third respondent school to the Government Adhi Dravidar Primary School, Vishnupuram, Thiruvarur District, vide order dated 21.01.2023. Immediately after the transfer, the petitioner filed a Writ Petition before this Court in W.P.No.4446 of 2023, wherein this Court granted an interim stay, vide order dated 21.02.2023. It is the further submission of the learned counsel for the petitioner that immediately after getting the interim stay, she proceeded to the Government Adhi Dravidar Primary School, Savalakaran Village, Thiruvarur District, but she was not permitted to join duty, and that her previous transfer order was also cancelled on 24.04.2023. She would further submit that there was no fault on her part, so as to adjust the absence period against the earned leave at her credit. Hence, she prayed to interfere with the same.

4. Per contra, the learned Special Government Pleader would strongly object to the said contention of the learned counsel for the petitioner and



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would contend that only due to the absence of the petitioner in the transferred place based upon the stay granted by this Court, her absence period was adjusted against the earned leave of the petitioner. It is the further submission of the learned Special Government Pleader that the petitioner had not given any application for medical leave.

5. I have given my anxious consideration to either side submissions.

6. Though it was contended that the petitioner did not join duty immediately, while looking at the interim order dated 21.02.2023, it is apparent that all the respondents were represented by the learned Additional Government Pleader; therefore, they were well aware of the stay granted to the transfer order dated 21.01.2023. Consequently, upon the appearance of the petitioner, they ought to have permitted her to join duty by cancelling the transfer order.

7. However, while looking at the counter affidavit, the transfer order was cancelled only on 24.04.2023, and she was permitted to join duty on 25.04.2023. Therefore, absolutely, there is no fault on the part of the



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petitioner; contrarily, there is an administrative lapse on the part of the respondents. Accordingly, for the administrative lapse, the petitioner's earned leave cannot be adjusted.

8. In such view of the matter, the impugned order dated 16.04.2025 is hereby quashed, and the second respondent is directed to treat the period from 08.02.2023 to 24.04.2023 as duty, and pay the salary for the said period within a period of three months from the date of receipt of a copy of this order.

9. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index : Yes/No

Speaking order

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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