
(2006) 03 MAD CK 0243
In the Madras High Court
Case No : Writ Petition No. 31933 of 2005

V. Venkatasalam

APPELLANT

Vs

The Government of Tamilnadu

RESPONDENT

Date of Decision : 02-03-2006

Acts Referred:

Citation : (2006) 03 MAD CK 0243

Hon'ble Judges : N. Paul Vasanthakumar, J

Bench : Single Bench

Advocate : R. Saseetharanm, for the Appellant; R. Lakshmi Narayanan, GA, for the Respondent

Judgement

N. Paul Vasanthakumar, J.—The prayer in the writ petition is to quash the order of the second respondent dated 13.12.1999 denying the salary from the date of transfer to the date of rejoining that is from 13.07.1995 to 03.05.1996.

2. According to the petitioner, he was transferred from Anthiyur West Primary School to Devar Malai, Panchayat Union School, Erode District by order of the District Elementary Educational Officer dated 27.06.1995. The said order of transfer was challenged by the petitioner in OA No.3549 of 1995 and Interim Stay was granted by the State Administrative Tribunal by order dated 07.07.1995. The Interim Order granted was subsequently extended until further orders by Order dated 21.07.1995 and the main OA itself was allowed by the State Administrative Tribunal on 14.03.1996.

3. The learned counsel for the petitioner submitted that the petitioner reported to duty immediately after the Stay was granted by State Administrative Tribunal, but he was not allowed to work in the school. There is no contra statement on the part of the Department, that the petitioner failed to report duty immediately after the grant of Stay by the State Administrative Tribunal dated 07.07.1995. Since the order of transfer was stayed and ultimately set aside, it has to be treated that the transfer order was not in existence and the petitioner shall be

treated as if he had served in the school with salary and other benefits. The order of the second respondent rejecting the salary for the period in which he was not allowed to work from 13.07.1995 to 03.05.1996, cannot be put against the petitioner. Consequently, the order of the second respondent dated 13.12.1999, denying the salary and other benefits from 13.07.1995 to 03.05.1996 shall stand set aside and the period be treated as duty period with salary and other service benefits. The salary and other benefits payable to the petitioner shall be paid by the respondents within 6 weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No Costs.