

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.Nos.129 and 130 of 2025

AND

C.M.P.Nos.915 and 917 of 2025

V.Balraj

... Appellant

-VS-

1. Apparel Training and Design Center –
Guindy, Rep. by its Principal,
No.18/23, Guindy Industrial Estate, SIDCO
Industrial Estate, Guindy,
Chennai – 600 032.
2. Apparel Training and Design Centre
Rep. by its Director General,
Paridhan Vikas Bhawan,
Plot No.50, Sector 44, Institutional Area,
Gurugram, Haryana – 122 003.
3. Union of India
Rep. by its Secretary,
Rashtrapathi Bhawan, New Delhi.
4. Ministry of Textiles
Rep. by its Secretary,
Udyog Bhawan, New Delhi.

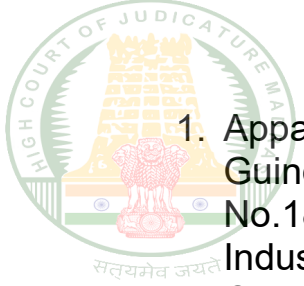
... Respondents

W.A.No.130 of 2025

V.Prabudas

... Appellant

-VS-



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1. Apparel Training and Design Center –
Guindy, Rep. by its Principal,
No.18/23, Guindy Industrial Estate, SIDCO
Industrial Estate, Guindy,
Chennai – 600 032.
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3. Union of India
Rep. by its Secretary,
Rashtrapathi Bhawan, New Delhi.
4. Ministry of Textiles
Rep. by its Secretary,
Udyog Bhawan, New Delhi.

... Respondents

Common Prayer: Against the Order in W.P.Nos.11527 and 11525 of 2022 on the file of Hon'ble High Court, Madras dated 07.06.2022.

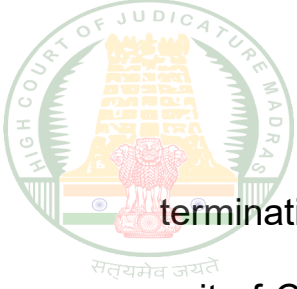
For Appellant(s): Mr.A.Arokia Satheesh

For Respondent(s): Mr.K.Chandrasekaran for R1 & R2
No Appearance for R3 & R4

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam,J.)

Under assail is Writ Orders dated 07.06.2022 passed in W.P.Nos.11527 and 11525 of 2022. Writ Petitioners are appellants before this Court.



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2. Writ Petitions had been instituted, challenging order of termination Letters dated 19.06.2020. Appellants, instead of praying for writ of Certiorarified Mandamus, stated as writ of Mandamus, calling for the records in relation to the impugned termination letter dated 19.06.2020 and quash the same and consequently, direct the 2nd respondent in Writ Petitions to reinstate Writ Petitioners with continuity of service and other consequential benefits. However, Writ Court misconstrued the relief as such sought for in Writ Petitions and made a finding that Writ Petitioners had not challenged the termination letter dated 19.06.2020 and on that score, Writ Petitions were dismissed.

3. This Court is of the considered view that on account of hyper technical mistake committed by Writ Petitioners, by inadvertently praying for "Writ of Mandamus" instead of "Certiorarified Mandamus", merits involved in the case need not be rejected. Regarding maintainability, the 2nd respondent / Apparel Training and Designed Centre is owned and funded by Government of India. Therefore, Writ Petitions are maintainable.

4. Learned counsel for the Appellants would mainly contend that orders of appointment were issued on 29.11.2000 (in W.A.No.129/2025) and 19.09.1996 (in W.A.No.130 of 2025)



respectively, appointing Appellants as Peon and Sweeper-cum-Peon in the respective pay scales of Rs.2550-55-2660-60-3200 and Rs.750-12-870-EB-14-940. Appellants joined in service on 01.12.2000 and 01.10.1996. Upon satisfactory completion of probation period, order of confirmation was issued by Director, vide proceedings dated 14.10.1998 in respect of Appellant in W.A.No.130 of 2025 and order of promotion was issued on 02.03.2010 for the appellant in W.A.No.129 of 2025.

5. Pertinently, under Order No.115 of 2013 dated 16.01.2013, the promotion of Appellant in W.A.No.130 of 2025 from the post of Peon to Head Peon with effect from 01.01.2013 was approved. In this backdrop, during Covid-19 period, Appellants were suddenly terminated by the 2nd respondent vide order dated 19.06.2020. Perusal of termination order would show that there is no valid reasons assigned for termination of permanent employees of respondent / Establishment.

6. Learned counsel for the appellants would draw the attention of this Court with reference to the orders of High Court of Delhi in W.P.(C) No. 4289 of 2020 dated 10.02.2021, wherein Delhi High Court elaborately considered maintainability of writ petition as well as Special Rules applicable to employees of the respondent / Organization. Paragraph No.75 of the judgment, reads as under:



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“75. A perusal of the General Service Rules, 2011 which were applicable to the Petitioner and the letter of appointment shows that under the appointment letter, the Petitioner could be terminated with one month's notice or salary in lieu of one month's notice. Under the Service Rules, three months' notice was essential. Moreover, in respect of a regular employee, termination could take place without notice if the post is abolished. If the post existed, issuance of notice would be mandatory. In the present case, no notice was issued prior to the termination which was clearly contrary to the service rules. Similar posts have also not been abolished which is clear from the documents placed on record. The decision to retain some employees and to terminate some employees, has been taken in a completely arbitrary and discriminatory fashion. Considering that the ATDC is an authority performing public functions and is a public authority, challenge by the Petitioner in the present writ petition to his termination is clearly maintainable. A perusal of the note and the decision which was taken also shows that while the reason for termination arose from financial pressures, the Petitioner has been described as a redundant employee' earning more salary. Thus, the termination is not without stigma. Submissions have also been made to the effect that the employees junior to the Petitioner have been retained in the ATDC, which are not disputed. This Court is of the view that the ATDC is not permitted to pick and choose' the employees which it wishes to retain, especially in case of permanent employees.”



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7. Learned counsel for the respondents would submit that Organization was facing financial crisis during Covid-19 period and therefore, it necessitated Organization to terminate services of appellants. However, one month salary was paid and Rule has been complied with.

8. Delhi High Court, while considering the General Service Rules, 2011, made a finding that three months' notice is essential. That apart, after Covid-19 period, the Company resumed its activities and several other employees are working. That being the factum, respondents ought to have taken back appellants also against whom no other allegations were raised. Therefore, order of termination *simplicitor* issued without complying with three months' notice, as contemplated under General Rules, is untenable. Therefore, this Court is inclined to grant the relief to appellants.

9. Accordingly, Writ Appeals are allowed. Impugned Orders of Writ Court are set aside. Consequently, respondents are directed to reinstate appellants in service with continuity of service within a period of two weeks from the date of receipt of a copy of this judgment. 50% of the back wages shall be paid to them. Refixation, if any made to other employees, shall also be effected to appellants notionally from the date



of termination till the date of reinstatement. Actual monetary benefits shall be paid to them prospectively. No costs. Connected Miscellaneous Petitions are closed.

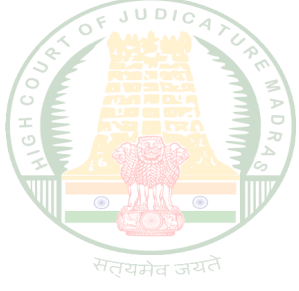
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(S.M.S.,J.) (N.S.,J.)
20-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

1. The Principal,
Apparel Training and Design Center – Guindy,
No.18/23, Guindy Industrial Estate,
SIDCO Industrial Estate, Guindy,
Chennai – 600 032.
2. The Director General,
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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
AR

W.A.Nos.129 and 130 of 2025

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