

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.12.2015**

CORAM:

THE HONOURABLE MR. **JUSTICE SATISH K.AGNIHOTRI**

and

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

Review Application (Writ) No.272 of 2015

1.The Chairman cum Managing Director,
NLC Ltd.,
Neyveli 607 801,
Cuddalore District.

2.The Director (Personnel)
NLC Ltd.,
Neyveli,
Cuddalore District.

3.The Estate Officer/Eviction Authority,
Asst. Township Administrator,
Township Administrative Office,
NLC Ltd., Neyveli,
Cuddalore District.

... applicants

versus

1.R.Natarajan

2.The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3.The State Level Scrutiny Committee,
rep. By its Chairman,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Secretariat,
Chennai 600 009.

... respondents

Application filed to review the order passed in W.P.No.30262 of 2014 dated 13.10.2015.

For applicants : Mr.F.B.Benjamin George

ORDER

(was made by K.K.SASIDHARAN, J.)

This review application at the instance of the respondents 1 to 3 in W.P.No.30262 of 2014, seeks to review the order on the ground that direction for payment of 50% of the back wages was made without considering the background facts.

2. Heard the learned counsel for the applicants.

3. The first respondent was dismissed from service on account of the production of a bogus community certificate. While confirming the order passed by the first applicant herein, this Court set aside the direction relating to recovery. The review petition is confined to the said direction.

4. The factual matrix indicates that the first respondent was terminated from service consequent to the order passed by the Revenue Divisional Officer dated 21 May 2009.

5. The community status of the first respondent was verified by the State Level Scrutiny Committee and it was found that his claim was not genuine. It was only on account of the order passed by the statutory authority, the first respondent was terminated from service. While quashing the order relating to recovery of salary paid, this Court has taken note of the service rendered by the first respondent. It is true that the first respondent claimed that he belongs to a particular community notwithstanding the fact that he does not belong to that community. The order terminating the service of the first respondent would not give a right to the employer to recover the earlier salary already paid to the employee. Salary was paid on account of the service rendered by him. It was only under such circumstances, we quashed the order insofar as recovery of the salary already paid to the first respondent was concerned. We, therefore, do not find any error or illegality in the said order warranting review.

6. In the upshot, we dismiss the review application. No costs.

(SATISH K.AGNIHOTRI, J.) (K.K.SASIDHARAN, J.)

17 December 2015

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SATISH K.AGNIHOTRI, J.

and

K.K.SASIDHARAN, J.

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