

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.A.No.634 of 2016

R.Murugesan

... Appellant/Petitioner

Versus

1. The Managing Director,
Tamil Nadu Mines and Minerals,
Chennai 5

2. The Manager,
Industrial (Incharge)
Tamil Nadu Mines and Minerals,
Mathelapalli,
Krishnagiri District.

... Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 16.8.2013 passed in W.P.No.9361 of 2013 on the file of this court.

Prayer in W.P.No.9361 of 2013:

Writ Petition is filed Under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorarified Mandamus to quash the impugned order in S.M.No. 1708/E/DGDP/2009 dated 31.5.2012 passed by the second respondent herein and direct the respondents to reinstate the petitioner.

For appellant : Mr.R.Neelakandan for
Mr.C.Mahendran

For Respondents : Mrs.A.Srijayanthi,
Special Govt. Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The grievance of the appellant is non-payment of backwages for a period of about one year, the petitioner/appellant is before this court. It appears that the petitioner/appellant submitted his application for voluntarily retirement and subsequently, he had withdrawn the same. However, he was relieved from service despite his request for withdrawal of the application for voluntary retirement and hence, he filed the writ petition. Now, the petitioner is aggrieved over the order passed by the learned Single Judge sofar as it denies backwages on the ground that he had not discharged duties from 1.6.2012.

3. The present scenario is invited only by the petitioner/appellant. Therefore, the petitioner/appellant cannot claim backwages for the period in dispute on the well settled principle of "no work no pay". Such being the case, asking for backwages for the said period cannot be considered. However, he would be entitled to get wages with effect from the date of his joining the service on reinstatement. With the above, the appeal is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To:

1. The Managing Director,
Tamil Nadu Mines and Minerals,
Chennai 5
2. The Manager,
Industrial (Incharge),
Tamil Nadu Mines and Minerals,
Mathelapalli, Krishnagiri District.

+1cc to Mr.C.Mahendran, Advocate sr.59493

W.A.No.634 of 2016

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srg 22/11/2016