



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.363 of 2016

S.Rasalam

..Appellant/Petitioner

Vs.

1. The Director,
Tribal Welfare Department,
Chepauk,
Chennai- 600 005.
2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
3. Pechiparai Government Tribal,
Residential, Higher Secondary School,
Pechiparai, Kanyakumari District,
Represented by its Headmaster ..Respondents/Respondents

PRAYER: Writ Appeal is filed under clause 15 of Letter Patent, to set aside the order dated 27.10.2014 in W.P.(MD)No.221 of 2008 on the file of this Court in so far as it excludes the monetary benefits to the Appellant.

Prayer in WP(MD). 221/ 2008 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in ref. Na.Ka.A2/40783/2005 dated 18/08/2006 and quash the same in so far as it is against the petitioner and direct the respondents 1 and 2 herein to regularize the services of the petitioner as vocational Instructor(Insurance) on Time Scale basis with effect from 01/04/1990 with all attendant benefits.

For Appellant : Mr.T.Cibi Chakraborty

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This Writ Appeal is directed against the order dated 27.10.2014 made in W.P.(MD)No.221 of 2008 filed by the appellant herein.

2.The appellant herein was appointed as Double Part-time Vocational Instructor and his appointment was approved by order dated 08.07.1986. He came to be ousted from service on 30.03.1989 on the ground that he is a surplus staff. He therefore filed O.A.No.661 of 1989 before the Tamil Nadu Administrative Tribunal. During the pendency of the said O.A. No.661 of 1989, a Government Order in G.O.Ms.No.712 dated 28.05.1990 was passed for regularization of fully qualified Double Part-time Vocational Instructor. A committee was constituted to go into the issue. Thereafter, by proceedings dated 25.07.1990, the school managements were directed not to oust any part time vocational teachers, who were appointed prior to 25.07.1990. The said O.A.No..661 of 1989 was disposed of by the Tribunal and the Educational Authority was asked to consider the appellant's claim for regularization with reference to his qualification. The petitioner thereupon moved the second respondent herein. But by order dated 27.02.1982, the appellant's request was rejected on two grounds. The appellant once again moved the Tribunal by filing O.A.No.5755 of 1992. When the said O.A.No.5755 of 1992 was pending, G.O.Ms.No.967, Education Department dated 06.10.1992 came to be passed for regularization of unqualified part time instructors.

3.The appellant herein was engaged in a series of litigation with the department regarding the service dispute. He came to be appointed as a teacher on regular basis with effect from 17.06.2005. It is the case of the appellant that his case was covered by G.O.967, dated 16.10.1992. The learned Judge accepted the said contention and gave a direction for regularising the appellant with effect from the said date but denied monetary benefits. Aggrieved by the denial of monetary benefits, he has filed this Writ Appeal.

4.We do not find any reason to interfere the order passed by the learned Single Judge. When the appellant admittedly did not work from 16.10.1992 till the date of he was appointed i.e. On 17.06.2005, the question of directing the Department to pay him monetary benefits would simply not arise. The principle of 'no work, no pay' is clearly applicable in this case. There is



absolutely no merit in this case. The Writ Appeal is dismissed accordingly. No Costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Director,
Tribal Welfare Department,
Chepauk,
Chennai- 600 005.
2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

+ 1 cc TO Mr.T.Cibi Chakraborty , Advocate in SR No. 74097
+1cc to The Special Government Pleader in SR.No.11615

mm

AE/KP/SAR2/24.10.2017/3P/5C

W.A. (MD) No.363 of 2016
22.08.2017