

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.1000 OF 2018

JUDGMENT (ORAL) : (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned Government Pleader for Law appearing for the appellants and Sri Balaji Medamalli, learned counsel for the respondent - writ petitioner.

2. The writ petitioner, while discharging duties and responsibilities as an Assistant Government Pleader, had continued to discharge his such duties and responsibilities after expiry of the period for which he was appointed. The fact of the matter remains that there were no fresh appointments; all that the writ petitioner had done was to carry forward his duties and responsibilities of handling the litigations by appearing on behalf of the State Government and its officials. Even if we were to take that there was no extension granted, the fact of the matter remains that the files do not disclose that his appointment was terminated or that he was directed not to function as Assistant Government Pleader. The materials tend to indicate that he discharged duties and responsibilities and worked as Assistant Government Pleader. Keeping aside all technicalities, even if we were to apply principles from the realm of law of contracts, it is fundamental that the writ petitioner was entitled to be paid for the work done by him. The learned single Judge cannot be held to be unjustified in having allowed the writ petition

and directing that the writ petitioner be paid amounts due for the period for which he had worked.

3. With this, we do not find any legal infirmity or jurisdictional error in the impugned order passed by the learned single Judge, and therefore, the Writ Appeal fails and the same is accordingly dismissed clarifying that the order rendered by the learned single Judge as well as this appellate judgment rests on the facts of this case exclusively. We also record the fact that the respondent - writ petitioner, through his learned counsel, has shown the majesty to agree that this Court may vacate the order for payment of costs. We do so. The order of costs awarded in the impugned order is vacated. However, the order for payment of interest will stand. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Appeal stand dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

GUDISEVA SHYAM PRASAD, J

July 27, 2018.

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