



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :12.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1203 of 2019

Dhanasekarn, Cook,
Government Adi Dravidar Welfare Boys Hostel,
Bampur, Ramanathapuram District.

... Appellant/1st Petitioner

Vs.

1.The District Adi Dravidar and Welfare Officer,
Collectorate Complex,
Ramanathapuram.

2.The District Collector of Ramanathapuram,
Office of Collectorate,
Ramanathapuram.

3.The Director,
Adi Dravidar and Welfare Department,
Chepauk, Chennai - -600 005.

4.The Commissioner,
Adi Dravidar and Welfare Department,
Chennai - 600 005.

5.The Secretary,
Adi Dravidar and Welfare Department,
Chennai - 600 009.

... Respondents 1 to 5/Respondents 1 to 5

- 6.A.RAmachandran
- 7.A.Parasuram
- 8.S.Thangavelu
- 9.T.Paulraj
- 10.R.Sivakumar
- 11.K.Rajamani
- 12.S.Dhanalakshmi Ammal
- 13.K.Shanmugha Valli
- 14.K.Kanayan
- 15.S.Boominathan
- 16.T.Balu



17.A.Chinnathambi
18.K.Muthammal
19.C.Valarmathi
20.T.Gowri
21.R.Vanmathi

... Respondents 6 - 21/Petitioners 2 - 17

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 14.08.2019 in W.P(MD)No.2436 of 2013 and allow the writ petition.

Prayer in WP(MD) . 2436/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st respondent dated 03.08.2012 made in Na.Ka.No. 6-67067/2008 and quash the same and for a direction, directing the 4th Respondent to fix the payment of time scale with effect from their original date of appointment i.e., from 14.12.2005 instead of 01.02.2011.

For Appellant : Mr.A.Vadivel
For R-1 to R-5 : Mr.A.Muthukaruppan,
Additional Government Pleader

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.Vadivel, learned counsel appearing on behalf of the appellant and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 5.

2. The appellant and the private respondents filed the present writ petition to quash the proceedings of the first respondent dated 03.08.2012 and to direct the fourth respondent to fix his salary in the time scale of pay from the date of original appointment ie., from 14.12.2005 instead of 01.02.2011.

3. It is not in dispute that the appointment, which was made in the year 2005 was cancelled based on certain complaints and that such cancellation order was challenged by the appellant and the private respondents by filing Original Application before the Tamilnadu Administrative Tribunal, Chennai in O.A.No.212 of 1997. The said original application was disposed of by order dated 18.07.2002 pointing out that the appointment could not have been cancelled based upon a complaint given by a Member of Legislative Assembly and the Tribunal found that the order of cancellation was under extraneous circumstances. But, when it came to the relief portion, the Tribunal did not direct that the appellant and private respondents to be posted as Cooks in terms of



original appointment, but directed to consider their original appointment if there were vacancy in the said Posts.

4. Subsequently, the appellant and the private respondents approached this Court and filed W.P(MD)No.5772 of 2006, to direct the respondents to regularise their services and grant time scale of pay as was fixed in the proceedings dated 14.12.2005. The relief sought for by them was not granted, but the writ petition was disposed of by order dated 14.07.2006 directing the representation to be considered.

5. Subsequently, the Government brought the appellant and the private respondents on consolidated wages. Once again, the appellant approached this Court by filing W.P(MD)No.12998 of 2011 praying for a similar direction to grant time scale of pay from their date of original appointment ie., in 2005. The prayer sought for was not granted, but the writ petition was disposed of by order dated 16.11.2011, to consider the representation. Subsequently, this was followed by various representations and ultimately, an order came to be passed not granting the relief sought for by the appellant and the private respondents. However, by then, the appellant and the private respondents were brought to regular time scale of pay with effect from 01.02.2011. Once again, the appellant and the private respondents approached this Court and filed W.P(MD) No.2436 of 2013, to set aside the proceedings of the first respondent dated 03.08.2012 and to grant time scale of pay from the year 2005. That writ petition was dismissed by the learned Writ Court. Against which, the present writ appeal has been filed.

6. In our considered view, the learned Writ Court was fully right in rejecting the relief sought for by the appellant. Admittedly, the Tribunal, which has allowed O.A.No.212 of 1997, did not grant the relief reinstating the appellant and the private respondents in the same Post to which they were appointed in the year 2005. Therefore, fresh appointment, which was granted in the year 2011 will only enure in favour of the appellant and the private respondents. Therefore, the learned Writ Court was right in dismissing the writ petition. Thus, we find no ground to interfere with the order passed by the learned Single Bench.

In the result, this Writ Appeal fails and is dismissed.
No Costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)



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+1 CC to Mr.A.VADIVEL, Advocate (SR-97804[F] dated 13/11/2019)
+1 CC to SPL GP (SR-98080[F] dated 13/11/2019)

JUDGMENT MADE IN
W.A. (MD)No.1203 of 2019
12.11.2019

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