

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

C O R A M

The Hon'ble Mr.Justice M.M.Sundresh
and
The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.22059 of 2010
and
M.P.No.1 of 2010

1. The Union Territory of Puducherry,
rep. by the Chief Secretary,
Chief Secretariat, Puducherry.
2. The Union Territory of Puducherry,
rep. by the Secretary to Government,
Finance Department,
Chief Secretariat,
Puducherry.
3. The Union Territory of Puducherry,
rep. by the Secretary to Government,
Education Department,
Chief Secretariate,
Puducherry.
4. The Director of School Education,
Perunthalaivar Kamaraj Centenary,
Education Complex,
100 Feet Road, Anna Nagar,
Nellithope P.O. Puducherry - 605 005.

...Petitioners

Vs.

1. The Central Administrative Tribunal,
rep. by the Registrar,
Additional City Civil Court Building,
High Court Complex, Chennai.
2. P.Ranganathan,
3. R.Palani
4. M.Thambidurai,
5. G.Maridoss,
6. A.Soundarrajan
7. J.Krishnan
8. S.Canagaradje

9. K.Chidambaram
10. V.Raghavan
11. M.Navaneedha Krishnan
12. G.Vaithianathan
13. P.Ramanathan
14. M.Kaliyaperumal
15. M.Sandanamarie
16. E.Anbazhagan
17. K.M.Ponnmoli
18. G.Senthilmurugan
19. K.Nedunchezian
20. D.Baskaran
21. P.Ravi
22. S.Jayalakshmi
23. G. Shanmuga Velayudam
24. Salma Rahuman
25. S.Kandasamy
26. K.Kaliyamurthy
27. M.Sasikumar
28. P.Jaishankar
29. M.Rajanathan
30. P.Banumathi
31. A.Anthonisamy
32. G.Rajendran
33. P.Devadoss Gandhi
34. A.Vasantha
35. K.Thiyagarajan
36. A.Anthonisamy
37. N.Panjavarnam
38. S.Arokiamary

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to call for records pertaining to the order passed in O.A.No.792 of 2008, dated 05.11.2009, on the file of the Central Administrative Tribunal Madras Bench and to quash the same.

For Petitioners : Mr.Syed Mustafa Govt. Pleader
Puducherry.

For Respondent-1 : Tribunal
Respondents 2 -38 : No appearance

ORDER

Order of the Court was delivered by Krishnan Ramasamy, J.
This Writ Petition has been filed challenging the order passed by the Central Administrative Tribunal (for short, Tribunal) in O.A.No.792 of 2008, dated 05.11.2009.

2. By virtue of the aforesaid order, dated 05.11.2009,

the first respondent/Tribunal directed the petitioners herein to pay a sum of Rs.5,000/- to all 37 applicants, viz., the respondents 2 to 38 herein for the service rendered by them during rescue, relief and rehabilitation work rendered in connection with Tsunami, pursuant to Para (2) Clause (II) of G.O.Rt.No.88/Reve. dated 21.05.2006.

3. The main ground on which, the order of the Tribunal has been impugned herein is that, respondents 2 to 38 have not produced any proof to show that they have rendered service of relief and rehabilitation work rendered in connection with Tsunami. According to the petitioners, the Government, by order dated 01.08.2008 have sanctioned remuneration to 351 persons, in Karaikal Region for the duties/service rendered by them during the Tsunami period, and amongst 351 persons, except, the seventh respondent, no other names of the respondents 2 to 38 were found place. Therefore, they are not entitled to get any remuneration.

4. The learned Government Pleader (Puducherry) appearing for the petitioners contended that since as per the Government Order, dated 01.08.2008, remuneration was sanctioned to 351 persons, out of which, none of the names of the respondents 2 to 38 (excluding seventh respondent) were found place, they were rightly denied the benefit. However, the Tribunal, without taking into consideration of the same and without ascertaining the entitlement of the respondents 2 to 38 to receive the remuneration, passed an order, directing the petitioners to sanction and disburse the remuneration of Rs.5,000/- to all the applicants/respondents 2 to 38. Hence, the learned Government Pleader contended that the order passed by the Tribunal is liable to be set aside and the Writ Petition be allowed.

5. We have heard the learned counsel appearing for the petitioners and perused the materials available on record. Despite service of notice on the respondents 2 to 38 and paper publication was effected and their names were also printed in the causelist, none appeared on their behalf when the matter was called.

6. The respondents 2 to 38/applicants have filed Original Application in O.A.No.792 of 2008, before the Tribunal to sanction and disburse remuneration of Rs.5,000/- payable to them for the service rendered during rescue, relief and rehabilitation work rendered in connection with Tsunami. In support of their case, all the respondents 2 to 38 have furnished the appreciation letter, dated 12.01.2005, issued by the Director of School Education, individually, to all the applicants/respondents 2 to 38 for the tireless work done by them. On the strength of the said appreciation letter,

certainly, the Tribunal considered the plea of the applicants/respondents 2 to 38 and directed the petitioners to pay Rs.5,000/- to each of the respondents 2 to 38.

7. The contention of the petitioners that, as per the Government Order, dated 01.08.2008, sanction was granted only to 351 persons, out of which, none of the name of the respondents 2 to 38 were found place, therefore, they not eligible is unsustainable in view of the appreciation letter, dated 12.01.2005 issued by the Director of School Education, individually to all the applicants/respondents 2 to 38 for the tireless work done by them. Based on the such appreciation letter, it is the duty of the petitioners to pass an order sanctioning remuneration to those, to whom sanction was accorded, apart from 351 persons, mentioned in the Government Order, dated 01.08.2008. This was rightly taken note by the Tribunal and based on such appreciation letter issued by the Director of School Education, wherein, the service rendered by the respondents 2 to 38 was recognized, awarded Rs.5,000/- to the respondents 2 to 38. We do not find any infirmity in the order passed by the Tribunal.

8. In the result, the Writ Petition stands dismissed, as being devoid of merit. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

sd

To

The Central Administrative Tribunal,
rep. by the Registrar,
Additional City Civil Court Building,
High Court Complex, Chennai.

+1cc to Government Pleader SR.No.22807

W.P.No.22059 of 2010

AD(CO)
GMY(10/06/2020)