



WEB COPY

W.P(MD).No.21575 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.21575 of 2015

and

M.P (MD) .No.1 of 2015

and

W.M.P (MD) .No.6111 of 2016

P.Murugan

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Pudukottai District,
Pudukottai.
2. The Joint Director/Project Director,
District Rural Development Agency,
Pudukottai District,
Pudukottai.
3. The Block Development Officer,
(Village Panchayats)
Ponnamaravathi Panchayat Union,
Ponnamaravathi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by the Block Development Officer, 3rd respondent herein in Na.Ka.Thi.5/938/2014 dated 07.08.2015, quash the same and consequently, direct the 1st respondent to reinstate the petitioner as the Block Co-ordinator under NBA, a total sanitation scheme, with back wages.

For Petitioner	: Mr.A.John Vincent
For R1 & R2	: Mr.D.Muruganandham Additional Government Pleader
For R3	: No appearance

ORDER

The relief sought for is to quash the order of relieving the writ petitioner from service from the post of Block Co-ordinator.

2.The learned counsel for the petitioner made a submission that the writ petitioner was appointed as Block Co-ordinator at Block



level in Viralimalai Panchayat Union of Pudukkottai District, in order dated 30.11.2004 on contract basis under NBA, a total sanitation scheme on a consolidated pay of Rs.3,000/- per month. Subsequently, on 26.02.007, the petitioner was transferred to Ponnamaravathi Panchayat Union. On account of certain allegations, the writ petitioner was relieved from the post of Block Co-ordinator in proceedings, dated 07.08.2015. The said proceedings is under challenge in the present writ petition.

3.The learned counsel for the writ petition made a submission that during the pendency of the writ petition, the petitioner was reinstated on 18.01.2016 and thereafter, he is working continuously in the said post of Block Co-ordinator on consolidated pay basis. The learned counsel for the petitioner made a submission that the petitioner is entitled for back wages for the period of termination from 07.08.2015 to 17.01.2016.

4.This Court is of the considered opinion that the writ petitioner is not a permanent employee and moreover, he was appointed on consolidated pay basis and therefore, the principles of " No work No pay" would be applicable in such cases. Admittedly, he was reinstated with effect from 18.01.2016. Thus, he is entitled for salary with effect from 18.01.2016 onwards from the date on which he rejoined for the post of Block Co-ordinator.

5.Reappointment by the respondents would not entitle the petitioner from claiming back wages from the period in which he was not worked. This being the factum, the respondents are directed to pay salary for the writ petitioner from the date on which he was reappointed ie., on 18.01.2016 and as per the learned counsel for the writ petitioner, for the month of February, the petitioner had not been paid with salary. However, the writ petitioner is not entitled for the back wages for the period in which he was not worked.

6.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.S)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Office of the District Collector,
Pudukottai District,
Pudukottai.
2. The Joint Director/Project Director,
District Rural Development Agency,
Pudukottai District,
Pudukottai.

+1 CC to the SPL GP (SR-25555[F] dated 15/12/2020)

W.P. (MD) No.21575 of 2015

and

M.P (MD) .No.1 of 2015

and

W.M.P (MD) .No.6111 of 2016

14.12.2020

SSS (CO)

CS (29.12.2020) 3P 4C