



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.A. (MD) No.472 of 2020
and
CMP (MD) .No.3368 of 2020**

1. The Principal Secretary to Government,
Youth Welfare and Sports Development (YW),
Fort Saint George, Chennai 600 009.
 2. The Deputy Director General of NCC,
NCC Directorate (TN, P & AN),
Fort Saint George, Chennai 600 009.
 3. The Group Commander,
NCC Group Head Quarters,
No.26, V.R.Road, Visalashipuram,
Madurai - 625 014.
 4. The Commanding Officer,
3 (TN) Naval Unit NCC,
401 South Cotton Road Lions Town,
Thoothukudi - 628 001.
- ... Appellants/Respondents
- Vs.
- M.Ravindran Mariappan ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.1997 of 2020, dated 26.02.2020.

Prayer in WP(MD). 1997/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order from the 2nd respondent as well as the consequential Final Order passed by the 4th respondent vide No. 451/1/SC dated 20.01.2020 and to set aside and quash the same and direct the 1st and 2nd respondents to treat 557 days as loss of pay and regularize the same and direct to pay salary and allowances for the period of 424 days vide 08.01.2020 and 24.01.2020 if any with interest and with cost



For Appellants

: Mr.A.K.Manickam

Government Counsel
for Appellant No.1

Mr.S.Jeyasingh, SPCG

for Appellants No.2 to 4

For Respondent

: Mr.T.Lajapathi Roy

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J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This appeal filed by the Government is directed against the order and direction issued in W.P(MD).No.1997 of 2020, dated 26.02.2020, filed by the respondent herein.

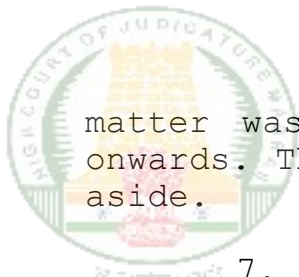
2. The prayer sought for in the writ petition was for issuance of Writ of Certiorari, to quash the order passed by the second appellant as well as the order passed by the fourth appellant dated 20.01.2020 and for a direction to treat the period of 557 days as loss of pay and regularize the same and direct to pay salary and allowances for the period of 424 days with interest.

3. The learned Writ Court after taking note of the earlier round of litigation, which ultimately culminated in the judgment in W.A.(MD).No.685 of 2019 dated 27.11.2019, to which one of us (Hon'ble Mr. Justice T.S.Sivagnanam) is a party, and the order passed in the writ petition in W.P(MD).No.1997 of 2020 allowed the writ petition as prayed for and directed regularisation of services of the respondent between 27.02.2015 and 25.04.2016, and to pay the accrued salary and allowances together with the interest at the rate of 6% per annum.

4. We have elaborately heard Mr.A.K.Manickam, learned Government Counsel appearing for the first appellant; Mr.S.Jeyasingh, learned Senior Panel Counsel for Central Government appearing for the appellants 2 to 4 and Mr.T.Lajapathi Roy, learned counsel appearing for the respondent-workman.

5. In our considered view, the learned Writ Court rightly took into consideration the observations and directions issued in the earlier round of litigation in W.A(MD).No.685 of 2019, dated 27.11.2019. The said judgment has attained finality and it would not be permissible for the appellants now to re-argue the case. Therefore, the ultimate conclusion of the learned Writ Court would not call for interference.

6. However, we find that there was no necessity for payment of interest, apart from that the learned Writ Court has not given any reason as to why interest is payable, especially, when the



matter was litigated by the parties before this Court from 2015 onwards. Therefore, the award of interest has to be necessarily set aside.

7. In the result, the Writ Appeal is partly allowed. The order and direction issued by the learned Writ Court to regularize the services as indicated in paragraph No.7 of the impugned order is confirmed, but the award of interest at the rate of 6% is set aside. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-19643[F] dated 18/06/2021)

+1 CC to M/s.SPL GP (SR-19798[F] dated 21/06/2021)

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