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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE PARESH UPADHYAY  
AND  
THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.A.No.1499 of 2022  
& C.M.P.No.9808 of 2022

1. The Secretary to Government,  
Commercial Taxes and Registration  
Department, Secretariat,  
Chennai - 9.
2. The District Collector,  
Singaravelar Maligai,  
Chennai District, Chennai.
3. The Deputy Secretary to Government,  
Housing and Urban Development  
Department, Secretariat,  
Chennai - 9.
4. The Secretary to Government,  
Personal and Administrative Reforms  
Department, Secretariat,  
Chennai - 9.

...Appellants/Respondents

Vs

G.Vivek

..Respondent/Petitioner

Appeal preferred under Clause 15 of Letters Patent against the order dated 05.04.2019 made in W.P.No.15124 of 2013.

prayer in W.P.No.15124 of 2013: to call for the records relating to the proceedings of the 1st respondent issued in G.O.Ms. No.26 Commercial Taxes and Registration (C2) Department dt 18.3.2013 and to quash the same and consequently direct the respondents to regularize the service of the petitioner for the period from 1.6.2005 to 21.10.2009 as period of Compulsorily Wait to be treated as Duty period with consequential and attendant benefits including arrears of salary and to reckon the entire period of regularized services from the date of appointment on 31.8.2000 for service benefits including pensionable services and to permit the petitioner to operate the GPF A/C. No.32090/Judl within the time frame to be fixed by this Honourable court.



For Appellants : Mr. Richardson Wilson,  
Special Government Pleader

JUDGMENT  
(Made by PARESH UPADHYAY, J.)

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Challenge in this appeal is made to the order dated 05.04.2019 recorded on W.P.No.15124 of 2013. This appeal is by the respondents/State Authorities.

2.Learned Special Government Pleader for the appellants has vehemently submitted that, the order of learned single Judge is erroneous since the benefit which was claimed by the writ petitioner could not have been granted in view of 'No Work No Pay'. It is submitted that this appeal be entertained.

3.Having heard learned Special Government Pleader for the appellants and having considered the material on record, this Court finds that the State itself had vide order dated 18.11.2008, taken decision in favour of the writ petitioner. The same is taken note of by learned single Judge. Relevant thereof reads as under:-

'8.....In fact, pursuant to the order of this Court, G.O.Ms.112 dated 18.11.2008 has been passed by the first respondent in which the petitioner has been absorbed in the Housing and Urban Development Department stating that the Government has decided to regularise the petitioner's service with effect from 31.08.2000 the date on which he joined in services as Office Assistant.....'

4.In view of above, we find that the relief granted by learned single Judge to the writ petitioner can not be said to be erroneous and therefore this appeal need not be entertained.

5.For the above reasons, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mmi/57

W.A.No.1499 of 2022

GJ(CO)  
RGA(28/06/2022)