



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/4/2022

C O R A M

The Hon'ble Mr. Justice S.VAIDYANATHAN
a n d
The Hon'ble Mrs. Justice N.MALA

Writ Appeal No.3660 of 2019
a n d
C.M.P.No.23300 of 2019

P.Revathi ... Appellant/Petitioner

Vs

1. The Commissioner of Arts & Culture
Egmore
Chennai 600 008.
2. The Assistant Director (Administration)
Arts & Culture
Thanjavur
Thanjavur District.
3. The Headmaster
Government Music School
Villupuram
Villupuram District.
4. M. Rameshkumar
Thevaram Teacher
Government Music School
Villupuram
Villupuram District.

...Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 20/2/2019 made in W.P.No.34733 of 2014.

Pryaer in W.P.No.34733 of 2014 : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the First Respondent in his Proceedings No.4391/E1/2009-1 dated 18.12.2014 and quash the same, and direct the respondents to confer all the consequential benefits.



WEB COPY

For Petitioners ... Mr.P.Ganesan
for C.S.Associates

For Respondents ... Ms.Mythreye Chandran
Special Government Pleader
for R.R.1 to 3.

Mr.R.Saseetharan
for R.4.

J U D G M E N T

S.VAIDYANATHAN, J
A N D
N.MALA, J

Writ Appeal has been filed to set aside the order, dated 20/2/2019, made in W.P.No.34733 of 2014.

2. Heard M/s.C.S.Associates, learned counsel for the appellant, Ms.Mythreeya Chandran, learned Special Government Pleader for the respondents 1 to 3 and Mr.R.Saseetharan, learned counsel for the fourth respondent.

3. Today, when the matter is taken up for hearing, Ms.Mythreeya Chandran, learned Special Government Pleader appearing for the respondents 1 to 3 has produced a Compliance report of the first respondent, dated 8/4/2022. Paragraph 3 of the compliance report is extracted hereunder:-

"I respectfully submit that further order of this Hon'ble Court, dated 28/2/2022 "to sort out the issue before the next hearing" and on subsequent hearings by obliging the order of this Hon'ble Court, the Director of Art and Culture Department, issuing the Appointment Order, vide, in Proceedings No.46/A3/2015 dated 29/3/2022, appointing the appellant Tmt.P.Revathi, as Devaram Teacher in the existing BC vacancy of 2019 recruitment as stated below.

a. Issuing reappointment for the appellant as Music Teacher (Devaram)

b. The appellant's earlier service of Music Teacher (Devaram) period from 19/8/2013 to 19/12/2014 will be counted for probation.

c. The appellant's seniority will be fixed on the date of joining (i.e.) 19/8/2013, after the completion of probation.



WEB COPY

d. The appellant cannot claim any monetary benefits or backwages for the non-working period treated as "no work no pay" basis.

e. The appellant's earlier working service period will be taken into account for service benefits only.

4. In view of the undertaking given in paragraph No.3 of the compliance report of the first respondent, no further orders are required and there is no need to adjudicate with regard to the impugned order in the writ petition. More so, the respondent Government has come forward to provide employment to the writ petitioner and also made a verbal statement that the fourth respondent in the appeal will not be disturbed. In the light of the 3 (c) mentioned supra, the appellant shall be treated as senior to the contesting respondent.

5. In the result, instant Writ Appeal is closed. No costs. Consequently, the connected Civil Miscellaneous Petition No.23300 of 2019 is closed.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

mvs.
To

1. The Commissioner of Arts & Culture
Egmore, Chennai 600 008.
2. The Assistant Director (Administration)
Arts & Culture
Thanjavur, Thanjavur District.
3. The Headmaster
Government Music School
Villupuram, Villupuram District.

+1cc to Mr.C.S.Associates, Advocate SR.No.24661
+1cc to Government Pleader SR.No.25523

Writ Appeal No.3660 of 2019
a n d
C.M.P.No.23300 of 2019

NR(CO)
GMY(04/05/2022)