



W.P.(MD)Nos.6521 to 6523 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:19.10.2023

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)Nos.6521 to 6523 of 2019

Saravanan	...Petitioner in W.P.(MD) No.6521/2019
Yuvadeeswari	...Petitioner in W.P.(MD) No.6522/2019
Janaki	...Petitioner in W.P.(MD) No.6523/2019

-Vs.-

- 1.The Registrar General,
Madras High Court,
Chennai – 600 104.
- 2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai – 625 023.
- 3.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.

...Respondents in all the Writ
Petitions

COMMON PRAYER:- Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondent No.3 to provide the back wages and other



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monetary benefits to the Petitioners with effect from 22.01.2015 on the basis of the seniority list in D.No.359 dated 20.01.2015 and the consequential promotion order dated 22.01.2015 in A1.15/2015, A1.16/2015 and A1.16/2015 with all continuation.

For Petitioner in all : Mr.S.M.A.Jinnah
the Writ Petitions

For Respondents in : Mr.G.Thalaimutharasu
all the Writ Petitions Standing Counsel

COMMON ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The relief sought for in the present Writ Petitions are to direct the Respondent No.3 to provide back wages and other monetary benefits to the petitioners with effect from 22.01.2015 on the basis of the seniority list in D.No.359 dated 20.01.2015 and the consequential promotion order dated 22.01.2015 in A1.15/2015, A1.16/2015 and A1.16/2015 with all continuation.

2. The petitioners were appointed on 01.03.1996, 13.05.1996 and 17.03.1997 respectively as copyists. Thereafter, they were promoted as Assistant with effect from 10.07.2012. On 22.01.2015, the petitioners



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were promoted as Grade – II Bench Clerk. Promotion that was granted was challenged by one Samuthirakani in W.P.(MD) No.935 of 2019 and interim stay was granted for the promotion which has been granted to the petitioners. This Writ Petition was pending for the period of three years and it was dismissed, thereby vacating the stay on 03.08.2018. By order dated 10.08.2018, the petitioners were granted promotion with effect from 22.01.2015 to the post of Grade – II Bench Clerk. The petitioners were aggrieved by the fact that though promotion was given from the date on which it was originally granted, they have not been granted back wages for the said period.

3. We are afraid, we are not with the petitioners on this demand for the reason that a person is not entitled for pay when he has not worked in that post. Learned Principal District Judge, Ramanathapuram, has granted the relief to the petitioners by promoting them from the original date on which they have been originally promoted i.e., from the date 22.01.2015. Notional promotion has been granted. The petitioners are not entitled to the financial benefits that go with the said post when they are not worked in the said post. Consequently, we find no merits in these Writ Petitions.



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4. Accordingly, these Writ Petitions are dismissed. No costs.

[S.M.S.J.,] & [V.L.N.J.,]
19.10.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
SJ

To

- 1.The Registrar General,
Madras High Court,
Chennai – 600 104.
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SJ

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