



W.P.No.19671 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.19671 of 2015
and M.P.Nos.1 to 3 of 2015

1.S.Rajendran

2.Tamil Nadu Village Administrative

Officers Association (Registration No.288/07),
represented by its Ward Secretary,
Thiruvarur District.

... Petitioners

-VS-

1.The District Collector,
Thiruvarur District.

2.The Revenue Divisional Officer,
Thiruvarur District.

3.Tahsildar,
Thiruvarur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the third respondent resulting in the impugned proceedings Na.Ka.A3/3779/2015 dated 23.06.2015 and quash the same.



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For petitioners : Mr.K.Shakespeare

For respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

Questioning the wage cut for a day i.e., on 15.06.2015, based on the principle of “No Work No Pay” by the third respondent, this writ petition has been filed by the Association represented by its Ward Secretary, both in his individual capacity as well as on the strength of himself being the Ward Secretary of the second petitioner's association.

2. The petitioners would submit that they had filed a writ petition earlier praying for a mandamus forbearing the respondents herein, their subordinates or men or any one claiming on their behalf, from interfering with the petitioner attempting to put up construction in an extent of 1,107 sq.ft. comprised in S.No.103/6, Kudavasal Town, Thiruvarur District. The said writ petition was disposed of with a direction to the second respondent to consider the



petitioner's representation on merits and pass orders thereon.

3. Meanwhile, in an early hour operation on June 2015, the respondents had razed the existing structure of the petitioner's association to the ground. Therefore, to mark their protest, the petitioner's association decided to hold a dharna for a day on 15.06.2015. Angered over by this action, the management had cut the salary of all employees who had not attended office on 15.06.2015. Aggrieved by this, the petitioners are before this Court.

4. The defence to the above writ petition is that the leave applications had been submitted by all the workmen and the applications were rejected, despite which, they had proceeded with the dharna. Therefore, it is decided to cut the salary for a day to all those who had abstained from work and had gone on mass leave. The respondents had followed the instructions of the Government which state that salary should be deducted on the basis of "No Work



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No Pay” for the period of absence. The respondents would submit that they had only followed the rules in deducting the salary.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, from the contents of the affidavit, it appears that the petitioner's association had, unilaterally, without the permission of the Government, put up a construction on the Government land and the same had been demolished by the authorities concerned. Thereafter, the members of the association decided to show their protest in the form of dharna and they had given the leave applications and all these applications were turned down by the respondents, despite which, the members of the petitioner's association had gone on a mass leave on 15.06.2015, which is clearly an illegal action.



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7. The petitioners having resorted to dharna without any permission and that too for a cause viz., putting up the association building in the government land, the action taken by the respondents is well within their rights and no exception can be taken to the same.

Therefore, this writ petition stands dismissed. Consequently, connected M.Ps. stand closed. No costs.

15.07.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

- 1.The District Collector,
Thiruvarur District.
- 2.The Revenue Divisional Officer,
Thiruvarur District.
- 3.Tahsildar,
Thiruvarur District.



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P.T.ASHA, J.,

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