



WEB COPY

W.A.(MD) No.337 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.337 of 2023
and
C.M.P.(MD) No.3637 of 2023**

South Street Hindu Nadar Higher Secondary School
Muhavoor Post-626 111
Rajapalayam Taluk
Virudhunagar District
by its Secretary

... Appellant

-VS-

- 1.The Chief Educational Officer
O/o.the Chief Educational Officer
District Collectorate Campus
Virudhunagar
- 2.The District Educational Officer
O/o.the District Educational Officer
Srivilliputhur, Virudhunagar District
- 3.A.Manivannan

... Respondents



WEB COPY

W.A.(MD) No.337 of 2023

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 23.01.2023, passed in W.P.(MD) No.20441 of 2017, on the file of this Court.

For Appellant : Mr.K.K.Kannan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader for R1 & R2
Mr.M.Naveen Prasanna for R3

J U D G M E N T

[Judgment of the Court was made by D.KRISHNAKUMAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 23.01.2023, passed in W.P.(MD) No.20441 of 2017.

2. The third respondent / writ petitioner, who was working as Night Watchman in the appellant – School, was initially suspended from service on the grounds of suppression of original educational qualifications to the School – Management, theft of laptop and mobile phone and insubordination. Subsequently, after initiation of disciplinary proceeding, he



W.A.(MD) No.337 of 2023

WEB COPY

was dismissed from service. The learned Single Judge, by the impugned order, set aside the punishment of dismissal from service imposed on the third respondent, revoked the suspension order and directed the appellant – School to reinstate the third respondent into service with continuity of service and treat the suspension period as duty period. However, the learned Single Judge observed that the third respondent is not entitled to any backwages for the period of non-employment based on the principle of “No work No pay”. Challenging the same, the School has preferred this writ appeal.

3. The third respondent has filed an affidavit, dated 05.02.2024, before this Court, tendering his apology to the School committee and solemnly pledging the following:

“a. For the period of non-employment i.e.from the date of suspension 08.10.2016 to the date of reinstatement, I shall not claim any back wages or monetary benefits or any other benefits from the appellant school management, agency or from the Education Department since I am not entitled to the same.

b. From the period of reinstatement to the day I retire I shall perform all my duties to the best of my abilities, responsibly and sincerely with no room for complaints and I



W.A.(MD) No.337 of 2023

WEB COPY

shall cooperate with and follow the orders of the appellant school administration and I shall treat my higher officials with respect.

c. I shall cooperate with all the appropriate decisions taken by the appellant school management regarding appointment, promotion and all other employment related matters.

d. I shall not make any unsubstantiated defamatory remarks against the appellant school management to outsiders and I shall not make any unsubstantiated complaints against the appellant school management.

e. I shall not pursue any further litigation by means of appeal or review against the order in the present writ appeal.”

4. Learned counsel appearing for the appellant – School, on instructions submitted that the School Management has no objection for accepting the above affidavit filed by the third respondent and to reinstate him into service with continuity of service, however, without backwages and monetary benefits.



W.A.(MD) No.337 of 2023

WEB COPY

5. In view of the above, this writ appeal is disposed of. The appellant – School shall reinstate the third respondent into service with continuity of service. The third respondent shall not claim any monetary benefits or backwages against the official respondents, except the benefits, for which he is entitled to as per law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

21.02.2024

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

krk

To:

- 1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
District Collectorate Campus,
Virudhunagar.
- 2.The District Educational Officer,
O/o.the District Educational Officer,
Srivilliputhur, Virudhunagar District.



WEB COPY



W.A.(MD) No.337 of 2023

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

krk

W.A.(MD) No.337 of 2023
and
C.M.P.(MD) No.3637 of 2023

21.02.2024