



W.P.(MD) No.18161 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18161 of 2020

and

W.M.P.(MD) Nos.15159 of 2020 and 9463 of 2021

T.Ravikumar

... Petitioner

Vs.

- 1.Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai-5.
- 2.District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.
- 3.District Adi Dravidar Welfare Officer,
Tenkasi District,
Tenkasi.
- 4.Accountant General (Pay & Accounts),
Nandhanam,
Chennai-35.
- 5.K.Saravanan
- 6.G.Ignacy



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7.M.Rani

8.Manokaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents 1 to 4 recover the salary paid to the respondents 5 to 8 in the promoted post of Tutor cum Warden being set-aside in WP(MD).No.5475 of 2010 dated 04.01.2013 confirmed in WA(MD).No.71 of 2014 dated 07.07.2017 based on petitioner's representations dated 28.08.2019 and 10.02.2020 within the time limit that may be stipulated by this Court.

For Petitioner	:	Mr.K.Gurunathan
For RR1 to 3	:	Mr.D.Sasikumar Additional Government Pleader
For Respondent-4	:	Mr.P.Gunasekaran Additional Central Government Standing Counsel
For RR5 to 8	:	Mr.S.Louis

ORDER

This writ petition has been filed by T.Ravikumar, who is working as Graduate Warden seeking Writ of Mandamus directing Respondents No.1 to 4 to recover the salary paid to Respondents No.5 to 8 in the promoted post



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of Tutor-cum-Warden consequent upon setting aside their promotional orders in W.P.(MD) No.5475 of 2010, dated 04.01.2013 as confirmed in W.A.(MD) No.71 of 2014, dated 07.07.2017, by considering the representations dated 28.08.2019 and 10.02.2020 submitted by the petitioner.

2. It is the case of petitioner that having been aggrieved by the promotion orders issued in favour of Respondents No.5 to 8 herein, the petitioner filed W.P.(MD) No.5475 of 2010 and in the said writ petition, by order dated 04.01.2013, a learned Single Judge of this Court set aside the promotion orders issued in favour of Respondents No.5 to 8. It is also the case of the petitioner that subsequently, when the petitioners were promoted to the post of Tutor-cum-Warden, in the year 2017, the said promotion orders were also set aside by another learned Single Judge of this Court in W.P.(MD) Nos.22276 and 22277 of 2018. In view of setting aside of the promotional orders issued in favour of Respondents No.5 to 8 from time to time, they are not entitled to any benefit, including salary paid to them in the promotional post.



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3. It is further contended that in addition to the salary that was paid to the petitioners in the promotional post, they were also awarded Selection Grade, on completion of 10 years by counting their services from the year 2009 onwards, though their promotion to the post of Tutor-cum-Warden with effect from 2009 was set aside by this Court. Hence, all such amounts are liable to be recovered from Respondents No.5 to 8 herein.

4. On the other hand, learned Additional Government Pleader brought to the notice of this Court that though proceedings were issued awarding Selection Grade in favour of Respondents No.5 to 8 herein on completion of 10 years by counting their services in the promotional post from the year 2009, such proceedings were not given effect to and Respondents No.5 to 8 have approached the State Human Rights Commission seeking implementation of the Selection Grade and for payment of the amounts. The State Human Rights Commission consequently passed orders dated 08.01.2021 directing implementation of the said proceedings. It is further submitted that, aggrieved by the said order passed by the State Human Rights Commission, one Krishnavel, who was working as Tahsildar,



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approached this Court by filing W.P.(MD) Nos.1978 and 1982 of 2021 and a learned Division Bench of this Court, by order dated 05.02.2021, granted interim stay and as such, no amounts are paid to Respondents No.5 to 8 on award of Selection Grade, as contended by the petitioners.

5. In the light of the above, as Respondents No.5 to 8 are stated to have not been extended any benefit of the Selection Grade as on date and the issue is pending before this Court in W.P.(MD) Nos.1978 and 1982 of 2021, the same need not be considered in this writ petition.

6. However, learned counsel for the petitioner contended that the respondents have released the amounts in respect of some of the respondents as the same is not the subject matter of an order passed by the State Human Rights Commission.

7. Be that as it may, even if any such benefits are extended to Respondents No.5 to 8 by awarding Selection Grade by taking into consideration their services in the promotional post from the year 2009,



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which were set aside by this Court, the same is liable to be recovered, as Respondents No.5 to 8 are not legally entitled to draw any such amounts and awarding such Special Grade in view of setting aside of all the promotional orders of Respondents No.5 to 8 is an illegality.

8. Insofar as the claim of the petitioner to recover the salary paid to Respondents No.5 to 8 is concerned, this Court is not inclined to grant any such relief. Admittedly, the petitioners have joined during the relevant period in the promotional post and are discharging their functions in the promotional post.

9. Accordingly, this Writ Petition is disposed of directing Respondents No.1 to 4 to take immediate steps for recovery of the amounts, if any, paid to Respondents No.5 to 8 on awarding Selection Grade as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, W.M.P. (MD) No.15159 of 2020 is closed.



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10. In view of the disposal of the main writ petition, no orders are required to be passed in W.M.P.(MD) No.9463 of 2021 and the same is also closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

1. The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai-5.
2. The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.
3. The District Adi Dravidar Welfare Officer,
Tenkasi District, Tenkasi.
4. The Accountant General (Pay & Accounts),
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MUMMINENI SUDHEER KUMAR, J.

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