



W.A.(MD) Nos.622 & 976 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD) Nos.622 & 976 of 2018

and

C.M.P.(MD) Nos.3444 & 6576 of 2018

W.A.(MD) No.622 of 2018:

C.Govindasamy

... Appellant

-VS-

1.The Commissioner
Vadamadurai Panchayat Union
Dindigul District

2.The Union Chairman
Vadamadurai Panchayat Union
Dindigul District

3.D.Balakrishnan
Panchayat Union Chairman
Vadamadurai Panchayat Union
Dindigul District

4.P.Sakthivel

5.The District Employment Officer
District Employment Office
Dindigul District, Dindigul

... Respondents



W.A.(MD) Nos.622 & 976 of 2018

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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.02.2017, passed in W.P.(MD) No.848 of 2009, on the file of this Court.

For Appellant : Ms.V.Muthumani

For Respondents : Mr.A.Kannan
Additional Government Pleader for R1 & R5
R2 & R3 – Dismissed for Default
Mr.S.Balamurugan for R4

W.A.(MD) No.976 of 2018:

1.The Commissioner
Vadamadurai Panchayat Union
Dindigul District

2.The Union Chairman
Vadamadurai Panchayat Union
Dindigul District

3.The District Employment Officer
District Employment Office
Dindigul District

... Appellants

-vs-

1.C.Govindasamy

2.D.Balakrishnan
Panchayat Union Chairman
Vadamadurai Panchayat Union
Dindigul District

3.P.Sakthivel

... Respondents



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W.A.(MD) Nos.622 & 976 of 2018

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.02.2017, passed in W.P.(MD) No.848 of 2009, on the file of this Court.

For Appellants : Mr.A.Kannan
Additional Government Pleader

For Respondents : Ms.V.Muthumani for R1
No appearance for R2
Mr.S.Balamurugan for R3

COMMON JUDGMENT

[Judgment of the Court was made by K.RAJASEKAR, J.]

These writ appeals are directed against the order, dated 08.02.2017, passed by this Court in W.P.(MD) No.848 of 2009.

2. For the sake of convenience, the parties are referred to as per the ranking in the writ petition.

3. The writ petitioner was an ex-serviceman and he applied for the post of Jeep Driver in Vadamadurai Panchayat Union, Dindigul District, under ex-serviceman quota and accordingly, he had also participated in the interview



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conducted on 18.08.2008 along with two other persons. However, the Selection Committee, consisting of three members, by majority, had not selected the writ petitioner and selected the fourth respondent. Challenging the appointment of the fourth respondent, the appellant filed W.P.(MD) No.848 of 2009, on the ground that the selection of the fourth respondent is not in accordance with the Recruitment Rules. According to the writ petitioner, the father of the fourth respondent had also availed the benefit under the very same quota and the fourth respondent was selected under the category of dependent of ex-serviceman and hence, he is not eligible for being selected to the post of Jeep Driver.

4. The Single Judge of this Court, after hearing both sides, by order order dated 08.02.2017, allowed the writ petition, however, has not set aside the appointment order of the fourth respondent, as he was in service at that time. Further, the learned Single Judge directed the Commissioner, Vadamadurai Panchayat Union, to find a vacancy in the Department and appoint the appellant as Driver and regularise his service with effect from 25.07.2008 by applying the principle of “No Pay, “No Work” and to take into consideration the period from 25.07.2008 for all purposes. Aggrieved over the portion of order not setting aside the appointment order of the fourth



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respondent, the writ petitioner has filed W.A.(MD) No.622 of 2018 and aggrieved over the portion of order directing the official respondents to find a vacancy, appoint the writ petitioner as driver and regularize her service from 25.07.2008, the official respondents, have filed W.A.(MD) No.976 of 2018.

5. Learned counsel appearing for the writ petitioner submits that since the appointment of the fourth respondent is not in accordance with the relevant Recruitment Rules, all the benefits have to be extended to the writ petitioner from the date of rejection of his appointment.

6. Now, it is reported by the learned Additional Government Pleader that the writ petitioner was given employment on 06.06.2016 in the Primary Health Centre, Eriyodu, as Jeep Driver and retired from service on 31.05.2023, on attaining the age of superannuation.

7. Taking into consideration the fact that the appellant was given employment on 06.06.2016, as Jeep Driver, in Primary Health Centre, Eriyodu, and retired from service on 31.05.2023, on attaining the age of superannuation, no further adjudication is required in the present writ appeals. This Court finds no infirmity in the order of the Single Judge in



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applying the principle of “no work no pay” and ordering the regularization of service with effect from 25.07.2008 for all purposes.

8. Accordingly, the writ appeals stand closed. However, the authorities concerned are directed to settle the service benefits due to the writ petitioner, if not already settled, as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

[A.D.J.C., J.]

[K.R.S., J.]

11.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Commissioner,
Vadamadurai Panchayat Union,
Dindigul District.

2.The District Employment Officer,
District Employment Office,
Dindigul District.



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