



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 3444 of 2024

and

WMP.No. 3702 of 2024

M.Murthy,

Petitioner(s)

Vs

1. The District Adi Dravidar Welfare Officer,
Salem District, Collectorate Campus,
Salem - 636 001.

2.The Special Tashildar (ADW),
Collectorate Campus,
Salem & District - 636 001.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorari, call for the records relating to the impugned order issued by the 1st respondent in Na.Ka.No.e-1171508/2023/D4 dated 06.02.2024 and to QUASH the same.

For Petitioner(s): Mr.S.Nedunchezhiyan

For Respondent(s): Mr.P.Ganesan
Additional Government Pleader



for R1 & R2

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent dated 06.02.2024.

2. The learned counsel for the petitioner would submit that the petitioner appointed in the post of Cook in the existing vacancy at the Government Adi Adi Dravidar Welfare Boys Hostel, Valapadi vide appointment order dated 06.01.2016 and joined in the post on 15.02.2016. However, the petitioner's salary was not paid thereby, the petitioner filed a writ petition before this Court in W.P.No.11885 of 2020 seeking direction for disbursement of salary from the date of appointment in the post of Cook. However, this Court, by its order dated 20.09.2020 issued a direction to the respondents to pay arrears of salary to the petitioner. Even then, the same was not paid, the petitioner filed a contempt petition in Cont.P.No.787 of 2021 and this Court, issued a statutory notice to the respondents thereafter, for non-compliance of the order, punishment was imposed to the respondent. Subsequently, the respondent issued an alternative employment to the petitioner vide order dated 06.11.2023. However, the



respondent made an allegation as if the petitioner refused to receive the alternative employment and thereby, issued a show cause notice on 12.12.2023 and subsequently, relieving order was passed on 06.02.2024. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that as on date, the arrears of salary was not paid to the petitioner and due to vengeance, the present impugned orders are passed as against the petitioner, which is not acceptable thereby, this Court while entertaining the writ petition granted interim stay accordingly, he prayed for appropriate orders. Though the respondent entered appearance, till date no counter is filed.

4. Admittedly, the petitioner was appointed as a Cook in the year 2016 and for non-payment of salary, the petitioner filed a writ petition and subsequently, filed contempt petition and adverse order passed against the respondent thereby, the respondent issued a transfer order or alternative employment from Vazhapadi to Salem. The petitioner is employed as a Cook in



the Adi Dravidar Boys Hostel and the petitioner has not received much salary to continue his habitation in Salem. Salem is a metropolitan city and forcing the petitioner to reside in Salem, that too, beyond 45 kms is impermissible one.

5. Hence, this Writ Petition is allowed, the impugned order passed by the 1st respondent is set aside. The respondent is directed to disburse the arrears of salary as per the orders passed by this Court within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

02-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Salem - 636 001.



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WP No. 3444 of 20





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WP No. 3444 of 2024



M.DHANDAPANI J.

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WP No. 3444 of 2024



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WP No. 3444 of 2025



02-12-2025