



WEB COPY

W.A.No. 985 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 985 of 2025
and
C.M.P.No. 8120 of 2025

- 1.The Director,
Arignar Anna Zoological Park,
Vandaloor,
Chennai - 600 048.
- 2.The Principal Chief Conservator of Forest
(Vanathurai Thalaivar)
Velachery Main Road,
Kannigapuram, Chennai - 600 032.
- 3.The Additional Chief Secretary,
Environment & Forest Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

...Appellants

Vs.

- 1.C.Eraniappan
- 2.K.Padmanaban
- 3.M.Subramanian
- 4.R.Palani
- 5.E.Sukumar

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.06.2024 made in W.P.No.8484 of 2024.

For Appellants : Mr.R.Neelakandan
Additional Advocate General
For Respondents : Mr.S.Kumaraswamy

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the order of the writ Court dated 21.06.2021 made in W.P.No.8484 of 2024. The petitioners before the writ Court were working with the respondent as temporary workers. They were terminated from service and challenging their non-employment, they raised industrial dispute which was referred to the Labour Court by the Government in ID.No.477 of 1997.

2. The Labour Court held that their non-employment is illegal and directed reinstatement with back wages and continuity of service and all attendant benefits. This award of the Labour Court was put in issue in W.P.No.94 of 2012 by the workmen. The main contention before the writ Court was that these workmen should also be regularized with effect from 01.04.1991 namely, date on which, the similarly placed workers were

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regularized in service and prayer for grant of all consequential and monetary and other reliefs was also made. The writ Court by order dated 17.08.2012, allowed the writ petition directing regularization with effect from 01.04.1991 with all attendant benefits. It is this order made in W.P.No.94 of 2012 that was challenged by the appellant herein in W.A.No.2473 of 2012. The appeal came to be dismissed on 06.11.2012 and Civil Appeals filed by the Government challenging the orders made in W.A.Nos.2066 & 2067 of 2013 were also dismissed by the Hon'ble Supreme Court on 28.11.2017. Thereafter, orders were issued regularizing services of the workmen concern. However, the salary for the period between 01.04.1991 to the date of regularization was not paid. The claim of the workmen for the salary was rejected by the Government under the order impugned in the writ petition dated 10.01.2022.

3. Reliance was placed on Section 28(2) of the Tamil Nadu Government Servants (Condition of Service) Act, 2016. The learned single Judge found that the reliance placed on Section 28(2) was misplaced. The learned single Judge also had taken note of the fact that the issue regarding payment of salaries is governed by orders of the Court made inter parties and they are binding on the appellant. Upon the above findings the writ Court

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allowed the writ petition and directed monetary arrears to be paid from 01.04.1991 to 14.05.2004. It is this order, which is questioned in this appeal.

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4. We have heard Mr.R.Neelakandan, learned Additional Advocate General appears for the appellant and Mr.C.Kumaraswamy, learned counsel for the respondents.

5. Mr.R.Neelakandan would re agitate the same question regarding the applicability of Section 28(2) and contend that there was a relaxation of the rules while regularizing service of the respondents / workmen, they would not be entitled to monetary benefits.

6. We do not think, we could accept the said arguments. As rightly observed by the learned single Judge, the provisions of Section 28(2) will not stand attracted in the case on hand. Further, the relaxation was done because of the orders of this Court which directed the appellants to regularize the service of the respondents / workmen with effect from a particular date. The appellants cannot take advantage of their own wrong. The earlier proceedings emanated because of the non-employment and there was a positive direction by this Court that services of the workmen should



be regularized with effect from a particular date with all monetary benefits.

7. The very litigation arose because of the illegal non-employment of the respondents by the appellants. Moreover, when the issue relating to entitlement of regularization with monetary benefits have been conclusively determined by the Hon'ble Supreme Court, the appellants cannot claim that the respondents / workmen will not be entitled to salary since there was a relaxation. Hence, we do not see any merit in the appeal. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed. The time granted by the writ court is extended by 8 weeks from the date of receipt of the copy of this order.

(R.S.M., J.) (G.A.M., J.)
02.04.2025

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Index: No
Speaking order
Neutral Citation : No

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