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W.A.No.1061 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WA No. 1061 of 2022
and CMP No.6661 of 2022**

1. The Chief Secretary cum Chairman,
Project Implementation Agency,
Puducherry - 605 004. Pudhucherry

2. The Project Director,
Project Implementation Agency,
Puducherry - 605004.

3. The Joint Project Director (General),
Project Implementation Agency,
Puducherry - 605 004.

4. The Joint Project Director (Technical)
Project Implementation Agency,
Puducherry - 605 004.

Appellant(s)

Vs

1. V.Shanmugaraj
S/o.K.Venugopal, No. 47, 5th Cross,
M.K.V.Nagar, Puducherry 605
005.Pudhucherry

Respondent(s)

PRAYER Writ Appeal filed under Clause 15 of Letters Patent to set aside the impugned order, dated 16.02.2022 made in W.P.No.10277 of 2021 by allowing the above Writ Appeal.



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W.A.No.1061 of 2021



For Appellant(s): MR.R.Syed Mustafa
Spl. Govt. Pleader
for Puducherry

For Respondent(s): MR. L.CHANDRAKUMAR,
FOR Ms.R. Hemalatha

ORDER

(Order of the Court was made by J.Nisha Banu J.)

This writ appeal has been filed by the government, challenging the order passed by the learned Single Judge in W.P.No.10277 of 2021.

2. The brief facts leading to the file of the appeal is as follows:

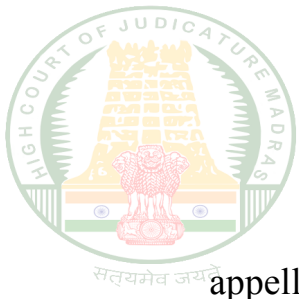
The respondent/writ petitioner joined duty as Draftsman on 16.03.1987 in the public works department, Puducherry and subsequently, he was promoted as Junior Engineer on 08.08.1988. The petitioner was transferred to the respondents Agency on deputation basis for the period of two years from 01.01.2020. However, before completion of the said period, the 3rd respondent issued a relieving order to the petitioner on 16.12.2020. According to the writ petitioner, he was on casual leave on 17.12.2020 and 18.12.2020 and he did not know about the said relieving order, however, when he had resumed duty, he was orally instructed by the Executive Officer (Civil) that there is a transfer order. The writ petitioner contended that without any hesitation, he had requested the officials to communicate the valid relieving order and also requested to



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give written instructions to whom he has to handover his charges. Since no transfer order was issued to the writ petitioner, he was continuing his duties in the respondents' office. Further, no relieving order also issued by the respondent. Without serving any relieving order, the respondents 3 and 4 stopped the salary from the month of December 2020. Hence the respondent/ writ petitioner filed the above said writ petition to communicate the Transfer Order passed by the 1st respondent to the petitioner for enabling him to join duty in the transferred place and consequently direct the respondents to disburse the petitioner's salary from the month of December 2020 to till date of filing of writ petition.

2.2. The said writ petition was disposed of by the writ court directing the 3rd respondent, namely, the Joint Project Director (General), Project Implementation Agency, Puducherry, to issue the relieving order to the writ petitioner forthwith, so as to enable him to report before the Chief Engineer, PWD, Puducherry. A further direction was also issued to the writ petitioner that he shall make a representation to the respondents 3 and 4 seeking salary for the period from December 2020 till the date of relieving order issued by the respondent department. Challenging the said order, the present writ appeal has been filed.

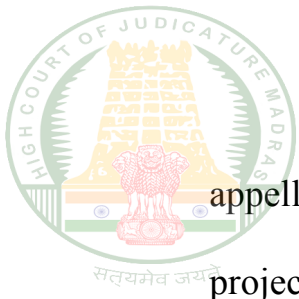


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3. Heard the learned Special Government Pleader appearing for the appellants and the learned counsel appearing for the respondent.

4. It appears from the affidavit that, in compliance with the order passed by the writ court dated 16.02.2022, the appellants had issued an order of repatriation to the petitioner, he was relieved from Project Implementaion Agency, Puducherry with effect from the forenoon of 11.03.2022, with instructions to report for duty before the Chief Engineer, PWD, Puducherry. According to the appellants, the said order was re-issued, without prejudice to the order, to be passed, on the representation to be submitted by Shri V.Shanmugaraj/ writ petitioner, seeking salary for the period from December 2020, as directed by the learned Single Judge.

5. The grievance of the appellants is that, the representation of the writ petitioner seeking salary from December 2020 to 11.03.2022 (now, re-issued, pursuant to the order of writ court) cannot be considered, since he was already repatriated and relieved from his duties, vide order dated 16.12.2020 itself. Further, during the period from December 2020 to 11.03.2022, the writ petitioner has not reported for duty in his parent Department and had not performed any work. The contention of the



WEB COPY

appellants is that during the said period, no action could be taken by the project implementing Agency against the respondent/ writ petitioner, as he was already relieved from the Agency. According to the appellants, if the insubordinate and unethical attitude of the respondent/ writ petitioner is rewarded with payment of salary, the same would set up a bad precedent and derail the etiquette of the government servants at large.

6. The learned Special Government Pleader vehemently argued that the relieving order had already been issued to the respondent, however, having knowledge of the said order, he deliberately refused to receive the same. He further submitted that the project had already been completed and therefore, no salary could be granted to the writ petitioner for the above said period from December 2020 to 11.03.2022 as he had already been repatriated to his parent department. However, he had not reported for duty in the said department.

7. The appellants, though contended that the relieving order was served on the respondent/writ petitioner, they have not produced any documents to substantiate the same. Further, with regard to the representation submitted by the respondent/writ petitioner, seeking written instruction as to whom he should hand over his charges, the appellants



W.A.No.1061 of 2021



have not given any reply. Therefore, the learned Judge, after considering all the aspects, has rightly directed the appellants to issue relieving order.

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8. The appellants contended that no salary can be granted to the writ petitioner for the said period from December 2020 to 11.03.2022. Since the appellants have not produced any document to show that the writ petitioner handed over charges during or prior to the said period, they cannot take the stand that the writ petitioner was not in the services of the Project Implementation Agency/appellants. We find no reason to interfere with the well reasoning order of the learned Single and the writ appeal deserves for dismissal.

9. Accordingly, this writ appeal is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

06-08-2025

Index: Yes/No
Internet: Yes
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MST



WEB COPY

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To

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WEB COPY

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