



WEB COPY

W.A.No.2121 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 2121 of 2025

1. Anandan

2. S.Poonalai

... Appellants

Vs.

1. Government of Tamilnadu,
Rep., by its Secretary,
Department of Tamil Development and Information,
Fort St. George, Chennai - 600 009.

2. The Principal Secretary,
Department of Welfare of Differently Abled Persons,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.

3. The State Commissioner,
Commissionerate of the Welfare of the Differently Abled,
Lady Willington College,
Kamarajar Salai, Mylapore,
Chennai - 600 004.

4. The Director of Printing and Stationary,
Mount Road, Annasalai, Chennai - 600 002.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the common interim order passed in WP No.24402 of 2018 dated 02.12.2024.

For Appellant : Mr.V.Ajoy Khose

For Respondents : Mr.John J.Raja Sing,
Additional Government Pleader

J U D G M E N T

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

Challenge is to the order of the Writ Court made in WP No.24402 of 2018 dated 02.12.2024.

2. The appellants challenged the order in G.O.(Nilai) No.120 dated 23.07.2018 passed by the first respondent, insofar as it related to exclusion of their names in the Annexure to the said order. According to the appellants, they are differently abled persons (Blind). They had completed book binding course in Government ITI for Blind Persons, Poonamalle in the year 2000-2001 and 2003-2004 respectively. They had also registered



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with the Employment Exchange during the years 2011 and 2006. When recruitment was carried out during the year 2018, their names were omitted to be included in the list of persons, sponsored by the Employment Exchange as well as the association for Blind Persons. Since the names were not sponsored they were denied appointment. Pending the Writ Petition both the appellants were appointed on 13.11.2024.

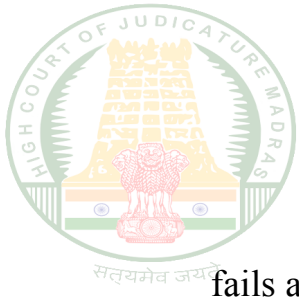
3. The learned Single Judge held that their non-sponsoring was a mistake of the third respondent and therefore, the appellants should not suffer for it. The learned Judge directed that both the appellants would be treated as having been appointed on 23.07.2018 for the purposes of seniority and continuity of service. However, they would be entitled to monetary benefits only from the date of their regular appointment i.e., 13.11.2024. In order to compensate them for the loss, the learned Single Judge also directed payment of Rs.50,000/- each to the appellants as compensation. While the Government has accepted the order, the appellants are before us contending that they would be entitled to salary for the period between 23.07.2018 and 13.11.2024, their date of appointment.



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4. We do not think such a claim could be sustained by us. Admittedly, the appellants had not worked during that period. They were eventually appointed only on 13.11.2024. No doubt the delay in appointment is due to the mistake committed by the third respondent. Sometimes these mistakes have certain harsh consequences, that by itself will not allow the discretion to the Writ Court to direct payment of salary without the appellants having done any work.

5. The learned Judge has exercised the discretion and placed them in the seniority list above those persons, who were appointed on 23.07.2018, apart from directing that their service should be counted from 2018 for other purposes, while postponing the monetary benefits to the date of actual appointment. Compensation has also been directed to be paid. Directing payment of salary for the period between 23.07.2018 and 13.11.2024, in our considered opinion, would not be just and proper, since the principle of no work no pay would apply.



6. Hence, we do not see any merits in the Appeal, the Writ Appeal fails and it is accordingly dismissed. There shall be no order as to costs.

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(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
14.07.2025

jv

Internet : Yes
Index : No
Neutral Citation : No
Speaking order

To

- 1.The Secretary to Govt.
Government of Tamilnadu,
Department of Tamil Development and Information,
Fort St. George, Chennai - 600 009.
- 2.The Principal Secretary,
Department of Welfare of Differently Abled Persons,
Government of Tamilnadu,
Fort St. George, Chennai - 600 009.
- 3.The State Commissioner,
Commissionerate of the Welfare of the Differently Abled,
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and
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