



W.A.(MD)No.1357 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1357 of 2025

N.Selvaraj

... Appellant

Vs.

1.The Additional Chief Secretary/Commissioner
of Revenue Administration,
Ezhilagam, Chennai – 5.

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Personal Assistant to the District Collector (General),
Ramanathapuram District,
Ramanathapuram.

4.The Sub-Collector,
Office of the Sub -Collector,
Paramakudi,
Ramanathapuram District.

5.The Tahsildar,
Paramakudi,
Ramanathapuram District.

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.22598 of 2022 dated 04.09.2024 on the file of this Court.

For Appellant : Mr.T.Aswin Raja Simman

For Respondents : Mr.A.Kannan,
Addl. Government Pleader.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant / N.Selvaraj was appointed as Masalchi on daily wages in the revenue department in Ramanathapuram District. He was appointed as Office Assistant on 20.09.1990. His services in the said post were also subsequently regularized. He was appointed as a Jeep Driver vide order dated 02.01.1996. His probation in the post of Jeep Driver was also declared on 23.10.1999. While so, he was issued with a charge memo on 11.03.2011 for having furnished false educational certificate. The appellant was required to possess 8th standard pass. He



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had allegedly furnished a false educational certificate as if he was possessing the said basic qualification. Enquiry was conducted. The enquiry officer concluded that the charge levelled against the appellant was not proved. However, the disciplinary authority deviated from the opinion of the enquiry officer and held that the charge framed against the appellant was proved and imposed punishment of reduction to the post of Masalchi. This was also implemented vide proceedings dated 20.03.2013. Since the order regularizing the appellant in the post of Masalchi was not available and could not be traced, he was appointed as Masalchi on daily wages. The appellant reached the age of superannuation on 31.12.2014. Since at the time of retirement, he was only discharging his services as Masalchi on daily wages, he was not disbursed with any terminal benefits. Hence, he filed W.P.(MD)No.22598 of 2022. The learned Single Judge dismissed the writ petition vide order dated 04.09.2024 primarily on the ground that the appellant chose to accept and abide by the proceedings dated 20.03.2013 whereby he was posted as Masalchi on daily wages basis. Aggrieved by the said order, this writ appeal has been filed.



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3.No doubt, the appellant has some insurmountable technical impediments to overcome. But we cannot lose sight of the fact that the appellant was all along employed in the lowest grade. It is not in dispute that he was appointed as Masalchi on daily wages in the year 1985. For the post of Masalchi, no educational qualification has been prescribed. It is true that the order regularizing the appellant as Masalchi is not available in the department nor the appellant is able to produce the same. But the fact remains that he was appointed as Office Assistant on 20.09.1990 and also regularized in the said post. In the counter affidavit filed by the department, this factual aspect has been conceded. It is also a matter of record that the appellant was subsequently appointed as Jeep Driver and his probation in the said post was also declared in the year 1999.

4.When the appellant was visited with an order of punishment, the disciplinary authority chose to impose the punishment of reduction of post. It is well settled in service *jurisprudence* that reduction by only one stage is contemplated. The appellant could have been reverted to the post of Office Assistant but he was reverted to the post Masalchi. This is



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understandable because while for the post of Masalchi, no educational qualification has been prescribed, for the post of Office Assistant, the appellant should have passed 8th standard.

5.However, taking into account, the long service put in by the appellant, we are of the view that interest of justice will be met if the appellant's service is computed as that of Masalchi with effect from 20.09.1990. It is true that the when appellant was appointed afresh as Masalchi on daily wages in the year 2013, the appellant herein did not chose to challenge the same. We have to be mindful of the social and economical realities. Therefore, the principle of estoppel ought not to be put against the appellant herein.

6.The appellant had been serving the department since 1985. The only way one can recognize his contribution is to accord him pension. If the appellant stands relieved from the department on daily wages, he will not get any pensionary or other benefits. We will then be completely overlooking the service put in by him since 1990 for over 34 years.



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7. In the interest of justice, we set aside the order impugned in the writ petition. The order of the learned Single Judge is also set aside. We direct the respondents to treat the appellant as having served as Masalchi on regular basis since 20.09.1990. His retirement proceedings shall be issued to that effect and all the terminal and other benefits payable to the appellant settled accordingly.

8. This writ appeal is allowed accordingly. No costs.

(G.R.S. J.) & (K.R.S. J.)
16.07.2025

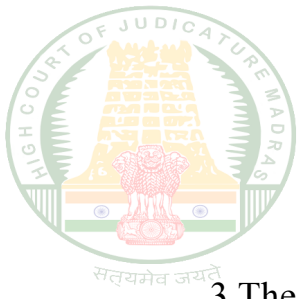
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To:

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