



W.A.(MD)No.1323 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

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

**W.A.(MD)No.1323 of 2019
and
M.P.(MD)No.11172 of 2019**

- 1.The Secretary to Government,
Adi Dravidar and Tribal Welfare (ADW) Department,
Chennai-9.
- 2.The Commissioner,
Adi Dravidar Welfare Department,
Chennai - 5.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
Kanyakumari District, Nagercoil. ... Appellants

Vs.

P.Vasanthan ...Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act,
to allow the appeal and set aside the order of the learned Judge of this
Court in W.P.(MD)No.650 of 2019 dated 12.11.2018.



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For Appellants : Mr.N.Satheeshkumar,
Addl. Government Pleader.

For Respondent : Mr.C.Godwin

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

Heard both sides.

2.The government has filed this writ appeal challenging the order dated 12.11.2018 made in W.P.(MD)No.650 of 2015 filed by the respondent herein (herein after referred to as the writ petitioner).

3.The writ petitioner was appointed as Secondary Grade Teacher in the Government Tribal Residential Higher Secondary School, Pathukani, Kanyakumari District. She was appointed under reserved category quota (schedule tribal). The District Collector received a complaint that the writ petitioner had misrepresented regarding her community status. He, therefore passed order dated 15.05.1986 cancelling the community certificate. Following the same, the District Adi Dravidar and Tribal Welfare Officer, Kanaykumari District terminated her service also vide order dated 06.04.1987. Challenging the aforesaid orders, the writ

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petitioner filed O.S.No.579 of 1987 on the file of the Principal District Munsif Court, Padmanabhapuram. The Trial Munsif vide judgment and decree dated 30.06.1992 dismissed the suit. Questioning the same, the writ petitioner filed A.S.No.75 of 1992 before Principal Sub Court, Padmanathapuram. The judgment and decree of the trial Court was reversed and the appeal was allowed vide judgment and decree dated 22.09.1993. Based on her representation dated 24.06.2005, the Tamil Nadu State Level Scrutiny Committee took up the case of the writ petitioner and concluded that community certificate obtained by the writ petitioner from the Deputy Tahsildar, Kalkulam on 05.05.1979 was genuine. Thereupon, she was also reinstated in service. The writ petitioner sought disbursement salary for the period from 09.04.1987 to 16.09.2009 and 01.12.2011 and 31.05.2012. Since her request was not considered, she filed W.P.(MD)No.13532 of 2013. The said writ petition was disposed of 11.02.2014 directing the government to pass final order on her representation. Pursuant to the said direction, the government issued G.O.(2D) No.64, Adi Dravidar and Tribal Welfare Department dated 13.10.2014 in the following terms:-



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4.The Government examined the recommendation made by the Director, Adi Dravidar Welfare in detail and accordingly order to fix pay to Tmt.P.Vasantha, Secondary Grade Teacher (Retd) notionally for the entire period of non-duty ie., from 09.04.1987 to 16.09.2009 for the purpose of regulating her pay and settlement of consequential pensionary benefits alone as a special case. Consequently, the individual is also eligible for the payment of pay and allowances for the period from 01.12.2011 to 31.05.2012.”

Challenging the same, W.P.(MD)No.650 of 2015 was filed. The learned Single Judge allowed the writ petition in the following terms:-

“8. In the light of the above judgment, this Court directs the respondent herein to treat the period between termination and reinstatement i.e 09.04.1987 to 16.09.2009 as period of duty and calculate her wages and other attendant benefits accordingly. The learned counsel for the writ petitioner would also submit that even after reinstatement, the writ petitioner has not paid full pay. If it is so, the respondents are directed to pay the difference in her salary. The first respondent is hereby directed to pass orders, as per the above direction within a period of 12 weeks. If there is any failure in compliance, even after expiry of 12 weeks from the receipt of the order, the petitioner shall be entitled for interest at the rate of 9% per annum from the expiry of 12 weeks till the date of payment.”



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4.The question that calls for consideration in this writ appeal is whether the order of the learned Single Judge has to be modified or interfered with.

5.The learned counsel for the writ petitioner submitted that Civil Courts were deprived of the jurisdiction to give declaration regarding one's community status only from the year 1997 onwards. Therefore, the writ petitioner was justified in approaching the Civil Court seeking declaration of her community status. Relying on the decision reported in 2006-1-L.W. 492 (V.Vallinayagam Vs. The State of Tamil Nadu), the order dated 03.07.2014 in W.P.(MD)No.666 and 1731 of 2014 and few other decisions, the learned counsel for the writ petitioner contended that termination of the writ petitioner from service was only on account of cancellation of community status. Since this was subsequently set aside and her community status was recognized and acknowledged by the competent authority, it is only just and proper that the writ petitioner is paid backwages for the entire period. He would add that the principle of no work, no pay cannot be applied in this case because the writ petitioner was not at fault.

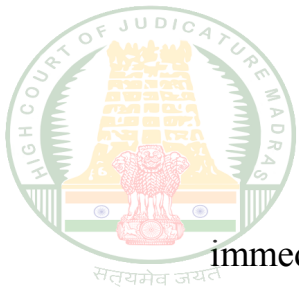


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6.The submissions of the learned counsel for the writ petitioner are undoubtedly attractive. However, as rightly pointed out by the learned Additional Government Pleader for the appellants, the suit claim of the writ petitioner was not only with regard to her community status; the writ petitioner had also sought declaration that termination of her service was bad in law. The trial Court rightly held that Civil Court will not have the jurisdiction to grant that relief. However, the appellate Court came to a wrong conclusion that since the plaintiff was not in service, the Civil Court will have the jurisdiction to entertain the suit claim.

7.The Parliament had enacted the Administrative Tribunals Act, 1985 and State Administrative Tribunal had also been constituted immediately thereafter. When the writ petitioner was terminated from service, while she was justified in knocking the doors of the Civil Court with regard to her community status, she could not have gone to the Civil Court as regards her termination. The Civil Court lacked the jurisdiction. Be that as it may, having obtained declaration in her favour in the year 1993, nothing stopped the writ petitioner from filing execution petition

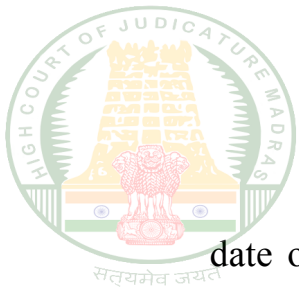


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immediately thereafter. She chose to keep quiet. The State Level Scrutiny Committee was nudged to take up her case pursuant to her representation made in the year 2005. We went through the community certificate issued in her favour in the year 1979. Likewise, we also went through the order of the State Level Scrutiny Committee issued in the year 2009. Though the said order has not been challenged, we are constrained to observe that the claim of the writ petitioner appears to have been accepted for the asking. It is highly unsatisfactory to say the least.

8.The only question that calls for consideration is regarding payment of backwages. Since the writ petitioner had not chosen to execute the decree obtained in her favour and kept quiet for almost 13 long years, we hold that she will be entitled to backwages only from the date of her representation ie., 24.06.2005.

9.The order of the learned Single Judge is modified to this extent and the writ appeal is partly allowed. The claim of the writ petitioner shall be settled accordingly within a period of twelve weeks from the



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date of receipt of a copy of this order. The arrears payable to the writ petitioner will carry interest at the rate of 6% per annum. The writ petitioner will be entitled to full salary following her reinstatement. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (K.R.S. J.)
26.08.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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