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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18087 of 2021
and
W.M.P.(MD) Nos.14924 & 14925 of 2021

A.Velayutham ... Petitioner

-vs-

1.Additional Commissioner of Labour
Joint Commissioner of Labour Office
Madurai

2.Assistant Commissioner of Labour (Excise)
Assistant Commissioner of Labour Office
Thuthukudi

3.Deputy Commissioner of Labour
Additional Commissioner of Labour Office
Thirunelveli

4.The Inspector of Stamps
Inspector of Stamps Office
Thoothukudi ... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in his Se.Mu.Aa.No.A/1152/21 dated 26.07.2021 and quash the same consequently direct the respondents to reinstate the petitioner in the service from 08.07.2021 with all attended benefits.

For Petitioner : Mr.G.Karthik
for Mr.N.Ganagasapapathy

For Respondents : Mr.C.Satheesh
Government Advocate

O R D E R

This writ petition has been filed challenging the impugned order, dated 26.07.2021, passed by the first respondent, declaring the petitioner as “medically unfit to hold the post of Night Watchman”.

2. As seen from the impugned order dated 26.07.2021 passed by the first respondent, only based on the Medical Board's report, the petitioner has been declared as unfit for service. The petitioner is paralysed and the same is also confirmed by the Medical Board's report. As a paralysed person,

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the question of working as a Night Watchman is impracticable and rightly, he has been declared as unfit for service. Only based on evidence, which is supported by the medical records, the impugned order has been passed. This Court cannot re-appreciate the evidence, based on which, the impugned order came to be passed that too when the evidence cannot be treated to be without any basis. Hence, the question of interfering with the impugned order does not arise.

3. Accordingly, there is no merit in this writ petition and the same is, therefore, dismissed. However, the eligible attendant benefits payable to the petitioner will have to be paid, if he is found to be eligible as per the statutory rule. Accordingly, this Court directs the first respondent to pay the eligible attendant benefits to the petitioner, if so found eligible, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

27.10.2025

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

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To:

1.The Additional Commissioner of Labour,
Joint Commissioner of Labour Office,
Madurai.

2.The Assistant Commissioner of Labour (Excise),
Assistant Commissioner of Labour Office,
Thuthukudi.

3.The Deputy Commissioner of Labour,
Additional Commissioner of Labour Office,
Thirunelveli.

4.The Inspector of Stamps,
Inspector of Stamps Office,
Thoothukudi.

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ABDUL QUDDHOSE, J.

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