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W.P.No.9586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9586 of 2024

T.Rajendran

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The Block Development Officer,
Panjayath Union Ekkadu
Thiruvallur District.

3.The President,
Pullarambakkam Village Panjayath,
Thiruvallur Taluk and District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records of the third respondent's impugned order dated 15.02.2023 and 15.11.2023 which has been passed the order of rejection of petitioner representation based on the writ petition order dated 09.12.2022 in W.P.No.33119 of 2022 and quash the same and consequently directing the respondents 2 and 3 to pay the salary for period from 16.05.2007 to 10.06.2016 with an effect of continuity service and mandatory benefits.



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For Petitioner : Mr.A.T.Jayaraman

For Respondents : Mr.P.Ganesan for R1
Government Advocate
Mr.P.Gurunathan for R2 and R3
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking to quash the third respondent's order dated 15.02.2023 and 15.11.2023 and to direct the respondents 2 and 3 to pay salary for the period from 16.05.2007 to 10.06.2016 with continuity of service and mandatory benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Water Tank Pump Operator by the third respondent with effect from 01.10.1986 and after more than ten years of service, during the year 1998, the petitioner was not allowed to work and hence, the petitioner filed I.D.O.P.No.841 of 1999 before the 1st Additional Labour Court, Chennai and the Labour Court vide order dated 16.05.2007, directed the respondents to reinstate the petitioner with continuity of service and other attendant benefits and without backwages and since the said order was not complied by the



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respondents, the petitioner filed W.P.No.14806 of 2014 seeking direction to the respondents to implement the award passed in I.D.O.P.No.841 of 1999 and the said writ petition was allowed by the respondents on 14.03.2016, pursuant to which, the respondents 2 and 3 reinstated the petitioner on 10.06.2016, however, the respondents did not pay the salary for the period from 16.05.2007 till 10.06.2016.

3.The learned counsel appearing for the petitioner further submitted that in this regard, the petitioner made representation on 14.02.2017 to the respondents and since the same was not considered, the petitioner filed W.P.No.33119 of 2022 and this Court vide order dated 09.12.2022 directed the petitioner to make fresh representation to the respondents and issued direction to the respondent to consider the same and to pass appropriate orders, pursuant to which, the petitioner made fresh representation to the respondents 2 and 3 on 13.01.2023, however, no order was passed and hence the petitioner filed Contempt Petition No.1914 of 2023 and during the pendency of the contempt petition, the third respondent passed the order dated 15.11.2023 stating that the Labour Court has not ordered to pay salary from the date of removal from service to 10.06.2016.



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4.The learned counsel appearing for the petitioner further submitted that I.D.O.P.No.841 of 1999 filed by the petitioner was allowed by the 1st Additional Labour Court, Chennai on 16.05.2007 and the Labour Court directed the respondents to reinstate the petitioner with continuity of service and other attendant benefits and without backwages, however, the respondents 2 and 3 reinstated the petitioner only on 10.06.2016. Hence, the petitioner is entitled for salary from 16.05.2007 till 10.06.2016. Hence, the impugned order is not sustainable one.

5.The learned Additional Government Pleader submitted that in I.D.O.P.No.841 of 1999, the 1st Additional Labour Court, Chennai vide order dated 16.05.2007, directed the respondents to reinstate the petitioner with continuity of service and other attendant benefits and without backwages and since the said order was not implemented, the petitioner made representation to the respondents and since the same was not considered, the petitioner filed W.P.No.33119 of 2022 and the order of this Court dated 09.12.2022 made in the said writ petition did not specifically mention about any payment. Further, prior to the reinstatement of the petitioner, the local body appointed some other



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person as Over Tank Pump Operator and he was paid salary. When a person is not in employment, he is not entitled to get salary, thereby, the impugned order was passed.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The petitioner was appointed as Water Tank Pump Operator by the third respondent with effect from 01.10.1986 and during the year 1998, the petitioner was not allowed to work and hence, the petitioner filed I.D.O.P.No.841 of 1999 before the 1st Additional Labour Court, Chennai and the Labour Court vide order dated 16.05.2007, directed the respondents to reinstate the petitioner with continuity of service and other attendant benefits and without backwages. Thereafter, the petitioner was reinstated in service on 10.06.2016. The grievance of the petitioner is that though the petitioner was reinstated in service on 10.06.2016, the respondents did not pay the salary for the period from 16.05.2007 till 10.06.2016.

8.It appears that prior to the reinstatement of the petitioner, the local body appointed some other person as Over Tank Pump



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Operator and he was paid salary. When a person is not in employment, he is not entitled to get salary. Hence, this Court is not inclined to grant the relief sought for in this writ petition, however, the petitioner is entitled for continuity of service and other attendant benefits as ordered by the 1st Additional Labour Court, Chennai, in I.D.O.P.No.841 of 1999, dated 16.05.2007.

9.With the above observations, this writ petition is dismissed.

No costs.

09.01.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The District Collector,
Thiruvallur District.
- 2.The Block Development Officer,
Panjayath Union Ekkadu
Thiruvallur District.
- 3.The President,
Pullarambakkam Village Panjayath,
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M.DHANDAPANI,J.
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