



WEB COPY

WP No. 9476 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 9476 of 2024

and

WMP Nos. 10473, 10475 and 10476 of 2024

R.Venkatesaperumal

Petitioner(s)

Vs

1. The Additional Chief Secretary
to Government, Co-operation, Food and
Consumer Protection (H1) Department,
Secretariat, Chennai-600 009

2.The President
State Consumer Disputes Redresseal
Commission, Park Town,
Chennai-600 003

Respondent(s)

PRAYER Writ Petition filed Article 226 of Constitution to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent vide Order in G.O (Ms) No. 45 dated 28.02.2024 as a consequent further based on the removal order passed in G.O (Ms) No. 45 the 2nd respondent proceedings Order vide Proc. Rc.No. A1/ 2289/ 2023 dated 1.03.2024 both impugned herein and quash the same as illegal incompetent and ultravires and consequently direct the respondents to reinstate the petitioner as a Non- Judicial Member for the remaining term with all incumbent emoluments and benefits accruing.

For Petitioner(s): Perumbulavil Radhakrishnan

For Respondents: Mrs.S.Geetha Thamarai Selvan
Special Government Pleader

**ORDER**

This writ petition has been filed, challenging the impugned order of the 1st respondent dated 28.02.2024 and the consequent removal order of the 2nd respondent dated 01.03.2024 and consequently directing the respondents to reinstate the petitioner as a Non- Judicial Member for the remaining term with all incumbent emoluments and benefits accruing.

2.The case of the petitioner is that he was appointed as a Non-Judicial Member in the State Consumer Disputes Redressal Commission, Chennai, vide G.O Ms.No. 29 Cooperation, Food and Consumer Protection Department, Chennai dated 15.03.2022 and he assumed charge on 18.03.2022. Whiles, on the basis of a complaint made by the Personal Assistant to the Hon'ble Judge of this Court, a criminal case was registered against the petitioner in Crime No.8 of 2023 for offences punishable under Sections 417, 419, 511 & 420 of IPC, and he was arrested on 19.08.2023. Later, he was granted bail by the Principal Sessions Judge, Chennai on 08.09.2023 in CrI.M.P No.22445 of 2023. Thereafter, his service was terminated by the Government vide G.O (Ms) No.45, Cooperation, Food and Consumer Protection (H1) Department, dated 28.02.2024. Challenging the same, the present writ petition has been filed.



3. However, the learned counsel for the petitioner would submit that though the petitioner was appointed as a Non-Judicial Member in the State Consumer Disputes Redressal Commission, Chennai, the petitioner did not file the writ petition seeking reinstatement of service, but only sought payment of salary from 18.08.2023 to 28.02.2024 on the ground that the criminal case registered against him ended in acquittal. This Court, by its order dated 11.12.2025 directed the first respondent to decide whether the petitioner is entitled for salary upto 28.02.2024, and if so, to disburse the same to the petitioner and file a report before this Court on or before 18.12.2025. However, the same was rejected by the impugned compliance report dated 17.12.2025, on the ground of “no work, no pay”. The concept of “no work, no pay is not applicable to a Non-Judicial Member. It is only applicable under the labour laws, and treating the petitioner's claim on par with labour laws is not sustainable. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned Special Government Pleader appearing for the respondents filed a counter affidavit, wherein paragraphs 4, 5, 6, 7, 8 and 9 are stated as follows:

4. It is submitted that the averments made in paragraph-3 of the affidavit are the personal achievements of the petitioner and hence no reply is required.



5. It is submitted that the averments made in paragraph-4 of the affidavit are denied as false and the petitioner is put to strict proof of the same.

6. It is submitted that, the averments made in paragraph-5 of the affidavit are matter of records and hence, there are no submissions to offer.

7. It is submitted that, the averments made in paragraph-6 of the affidavit are denied as false, since no post of Personal Assistant is neither sanctioned by the Government nor allotted by the Commission to the petitioner Thiru.R.Venkatesa Perumal. Hence, the petitioner is put to strict proof of the same.

8. It is submitted that, the averments made in paragraph-7 to 9 of the affidavit are matter of records and the petitioner is put to strict proof of the same.

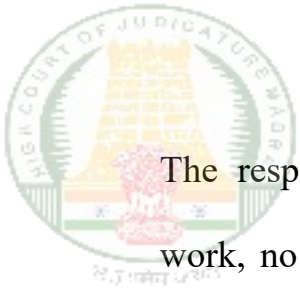
9. It is submitted that, the averments made in paragraph-10 of the affidavit are denied as false. It has been stated in the Final Report that, the complainant Tmt.K.Pushpalatha, P.A to Justice, Thiru.N.Anand Venkatesh had given a letter stating that, on her complaint dated 18.08.2023, the police had properly enquired Thiru.R.Venkatesa Perumal, Non-Judicial Member, State Consumer Disputes Redressal Commission, Chennai and remanded him to judicial custody and hence,



she was not interested in pursuing the case further and requested to drop all the further proceedings on her complaint. Based on the letter given by Tmt.K.Pushpalatha, P.A to Justice Thiru.N.Anand Venkatesh, the VII Metropolitan Magistrate, George Town, Chennai had dismissed the complaint on 04.01.2024.

5. Heard the learned counsel appearing on either side and perused the materials available on records.

6.The facts of the present case are not in dispute. It is an admitted fact that the petitioner was appointed as Non-Judicial Member in the State Consumer Disputes Redressal Commission, Chennai, with effect from 15.03.2022 and he assumed charge on 18.03.2022. Whiles, on the basis of a complaint made by the Personal Assistant to the Hon'ble Judge of this Court dated 18.08.2023, a criminal case was registered against the petitioner on 19.08.2023. Later, the criminal case ended in acquittal in favour of the petitioner. However, his service was terminated by the Government, vide G.O Ms No.45, Cooperation, Food and Consumer Protection (H1) Department, dated 28.02.2024. Challenging the said impugned order, the present writ petition has been filed. However, the relief sought for by the petitioner is not for reinstatement, but only for payment of salary from 19.08.2023 to 28.02.2024.



The respondents refused to pay the salary to the petitioner on the ground of “no work, no pay”. The concept of “no work, no pay is not applicable to a Non-Judicial Member. Admittedly, the petitioner was acquitted of the charges and therefore, he is is entitled to salary from 19.08.2023 to 28.02.2024.

7. In view of the above, there shall be a direction to the respondents to pay salary to the petitioner from 19.08.2023 to 28.02.2024, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

05-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To Government, Co-operation Food and
Consumer Protection (H1) Department,
Secretariat Chennai 09

2.The President State Consumer Disputes Redressal Commission, Park Town Chennai 03



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M.DHANDAPANI J.
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