



W.A.(MD)No.1292 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.1292 of 2022
and
C.M.P.(MD)No.10010 of 2022**

1.The Chief Engineer,
Public Works and Water Resources Department,
Madurai Region, Madurai.

2.The Superintending Engineer,
Public Works and Water Resources Department,
Special Project Circle, Tirunelveli District.

3.The Executive Engineer,
Public Works and Water Resources Department,
Special Project Circle, Ambasamuthiram,
Tirunelveli District.

... Appellants

Vs.

Sundaravel

... Respondent

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.9168 of 2014 dated 11.04.2022 on the file of this Court.



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For Appellants : Mr.Veera Kathiravan,
Addl. Advocate General,
Assisted by Mr.S.Shaji Bino,
Spl. Government Pleader.

For Respondent : Sundaravel
Party-in-Person.

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

The department has filed this writ appeal questioning the order dated 11.04.2022 passed by the learned Single Judge granting relief to the writ petitioner in W.P.(MD)No.9168 of 2014.

2.Heard the learned Additional Advocate General for the appellants and the respondent / writ petitioner who appeared as party in person.

3.The writ petitioner was employed as Work Inspector Grade II in Public Works and Water Resources Department. He was working in Poigai Reservoir Project at Aralvaimozhi during August, 2012. The said project was wound up and all the officials working in connection with



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that project were transferred elsewhere. The writ petitioner was transferred to Cheranmahadevi vide order dated 30.08.2012. But the writ petitioner was not permitted to join duty at Cheranmahadevi. The Principal Chief Engineer (Buildings), Chennai wrote to the Chief Engineer (WRD), Madurai Region calling upon him to post the writ petitioner in any office falling within Madurai Region. The transfer dated 30.08.2012 was also cancelled. Challenging the cancellation order, the writ petitioner filed W.P.(MD)No.13349 of 2012. During the pendency of the said writ petition, based on the request of the writ petitioner, he was transferred to Ambasamudram vide order dated 22.11.2013. The writ petitioner had also joined at Ambasamudram on 02.12.2013. Since the period from 01.09.2012 from 01.12.2013 had to be regularized, the writ petitioner filed W.P.(MD)No.4305 of 2014. This Court vide order dated 12.03.2014 directed the employer to dispose of the writ petitioner's representation seeking regularization of the aforesaid period. Pursuant to the direction given by this Court, the aforesaid period was regularized vide order dated 26.05.2014 in the following manner:-



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“(i) The period from 01.09.2012 to 28.01.2013 was

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(ii) The period from 29.01.2013 to 27.02.2013 was treated as earned leave on private affairs.

(iii) The period from 28.02.2013 to 01.12.2013 was treated as leave on loss of pay.”

Challenging this order and seeking salary for the aforesaid period, the writ petitioner filed W.P.(MD)No.9168 of 2014. The learned Single Judge vide order dated 11.04.2022 disposed of the writ petition in the following terms:-

“5.The transfer in incidence of service. Since the petitioner was working in a project, which was transferred to some faraway place, the respondents in order to accommodate the petitioner has transferred to a nearby project. But the contention of the petitioner is that the respondents have not allowed the petitioner to join the duty. The respondents have not denied this allegation in their counter. Therefore, this Court is of the considered opinion that the said period ought to be regularized. Hence, this Court is directing the respondents to regularize the said period and pay salary to the said period. However, it is made clear that the petitioner is not entitled to any interest.”

Questioning the same, the department has filed this writ appeal.



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4. We carefully considered the rival contentions and went through the materials on record. The writ petitioner is right in his contention that he was not allowed to join duty at Cheranmahadevi. Therefore, the period from 01.09.2012 to 10.09.2012 ought to have been treated as one on duty. But on 10.09.2012, the order transferring the writ petitioner to Cheranmahadevi was cancelled. Once the transfer order was cancelled, the writ petitioner was obliged to have reported for duty to the Head Office and sought an appropriate posting order. Instead, he filed W.P.(MD)No.13349 of 2012 questioning the transfer order. Admittedly, the writ petitioner did not obtain any interim order of stay of the cancellation order. Therefore, he ought to have abided by the cancellation order without prejudice to his contention in the writ petition. Eventually, he did not obtain any relief in the writ petition. He also did not submit any leave application. The employer could have taken disciplinary action against the writ petitioner. They did not do so. However, accepting the writ petitioner's request, the employer transferred him to Ambasamudram. Therefore, the principle of no work no pay will definitely apply in this case. We, therefore, modify the order of the



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learned Single Judge and hold that though the entire period will stand regularized, the writ petitioner is entitled to be paid full salary only for the period from 01.09.2012 to 10.09.2012.

5.This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
20.02.2026

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