

(2026) 02 MAD CK 1771

In the Madras High Court

Case No : Writ Petition No. 34507 Of 2023, Writ Miscellaneous Petition No. 34415 Of 2023

Union Of India And Others

APPELLANT

Vs

Central Admininstrative Tribunal And Others

RESPONDENT

Date of Decision : 20-02-2026

Acts Referred:

Citation : (2026) 02 MAD CK 1771

Hon'ble Judges : C.V. Karthikeyan, J;K.Kumaresh Babu, J

Bench : Division Bench

Advocate : R.Syed Mustafa, K.Sasindran

Final Decision : Dismissed

Judgement

K.Kumaresh Babu, J

1. This writ petition has been filed by petitioners challenging the order of the Tribunal passed in O.A.No.1849/2014, dated 11.08.2022.

2. Heard Mr.R.Syed Mustafa, learned Special Government Pleader (Pondy) appearing on behalf of the petitioners and Mr.K.Sasindran, learned counsel appearing on behalf of the respondents 2 to 14.

3. Mr.R.Syed Mustafa, learned Special Government Pleader (Pondy) appearing on behalf of the petitioners would submit that the private respondents herein were initially engaged as part-time Assistants to the Members of Legislative Assembly on co-terminus basis during the period of the 11th Legislative Assmebly. Based on the assurance given by the then Chief Minister on the floor of the Legislative Assembly, they were brought under the admininstrative control of the Department of Personnel and Admininstrative Reforms (DP&AR) as part-time employees and their inter se seniority in the list of part-time employees was made with reference to the date of engagement as part-time Assistants to the respective members, but, however, subject to the condition that their engagement as part-time Assistants should continue till the term of the 11th

Legislative Assembly. They were not elevated as full time casual employees in view of the interim order passed by this Court and as per the Scheme notified titled "The Puducherry Casual Labourers (Engagement & Regularisation) Scheme" 2009 which was notified on 27.02.2009, the private respondents were elevated as full-time casual labourers, during October 2010.

4. They had approached the Central Administrative Tribunal seeking for a direction to grant backwages with effect from 04.08.2006. The Tribunal had disposed their applications with a direction to consider their representations and accordingly necessary orders were issued on 02.01.2014 to include them in the seniority list notionally with effect from 04.08.2006. Thereafter, again they had sent a representation seeking for backwages which was rejected on the principles of "no work no pay". The same came to be challenged by them under the impugned orders, direction was issued to grant backwages and other all monetary benefits to the private respondents.

5. He would submit that the respondents have been appointed on the whims of the then Members of the Legislative Assembly and were only initially absorbed as part-time casual labourers and were elevated as full-time casual labourers in view of the Scheme made by the Government. He would submit that the reliance placed by the Tribunal to the judgment of the Hon'ble Apex Court relates to promotion and only in that aspect the Hon'ble Apex Court had held that the principle of "no work no pay" cannot be accepted. But however the Tribunal applying the said principle had directed payment of backwages for the period when the private respondents had only been employed as part-time casual labourers. Therefore, he would submit that the Tribunal had wholly erred in issuing the direction that is impugned in this Writ Petition. Hence, he seeks indulgence of this Court to set aside the order impugned herein.

6. Countering his arguments, Mr.K.Sasindran, learned counsel appearing for the private respondents would submit that they were entitled to be elevated as full-time casual labourers, however, though the private respondents were not elevated at that relevant point of time and they were all elevated subsequently. By proceedings dated 02.01.2014, pursuant to the directions given by the Tribunal, the private respondents were all given seniority from the date on which their juniors were brought under the full-time casual labourers, however, they were not given the monetary benefits. Hence, by further representations they had sought for payment of backwages and the same came to be rejected by applying the principles of "no work no pay". He would submit that had the petitioners rightly elevated the private respondents as full-time casual labourers, they would have been entitled to the pay of a full-time casual labourers from the said date.

7. In that context, he would submit that the Tribunal was right in applying the judgments of the Hon'ble Apex Court in Civil Appeal No.7953 of 2004 and Civil Appeal No.811 of 2007 in granting relief of backwages and other benefits as it is the administration who had wrongly denied them their due and the benefit had

been conferred only after the litigations were instituted by the private respondents. In the context, he would submit that the principle of "no work no pay" cannot be allowed to be invoked in denying the rightful benefits of the private respondents. Hence, he seeks dismissal of the Writ Petition.

8. We have considered the submissions made by the learned counsels appearing on either side and perused the materials available on records.

9. The private respondents who were originally appointed as part-time employees by the then Members of the Legislative Assembly on co-terminus basis were all brought into the part-time casual labourers based upon the assurance given by the then Chief Minister. Thereafter, brought in as full-time casual labourers and were also given the benefit of seniority on the date when their juniors were brought in as full-time casual labourers.

10. It is an admitted case that they have not been brought in as full-time casual labourers when their juniors were brought in into the said cadre. However, after persistent litigations and directions issued by the Central Administrative Tribunal, they were given their rightful seniority and were treated as full-time casual labourers from the date on which their juniors were given their benefit. But, however backwages had been denied to the private respondents.

11. As rightly pointed out the learned counsel appearing for the private respondents had the Department acted diligently and had also elevated the private respondents as full-time casual labourers on the date when their juniors were elevated, they would have had the monetary benefits as received by their juniors.

12. The Tribunal had placed reliance upon judgments of the Hon'ble Apex court made in Civil Appeal No.7953 of 2004 dated 17.04.2007 and Civil Appeal No.811 of 2007 dated 31.07.2015. The Hon'ble Apex Court had categorically held that for the wrong committed by the administration, full benefits including the monetary benefits should not be denied and that the principle of "no work no pay" cannot be a thumb rule and in appropriate cases, the same cannot be attracted when the employees were not at fault.

13. Even though, it is the contention of the learned counsel for the petitioners that such a decision was taken in a case of promotion, the principle that had been laid down for applying the "no work and no pay" principle would squarely apply to the facts of the case. The petitioners having placed the private respondents in an appropriate place in seniority list as that of their juniors cannot now be heard to say that they were not entitled to be elevated as full-time casual labourers, just for denying the monetary benefits. As held by the Hon'ble Apex court, the petitioners who are in the administration of the Department having found that there was a mistake in not elevating them earlier and having elevated the private respondents are at fault in denying such monetary benefits. Hence, we do not find any infirmity in the orders impugned in this Writ Petition.

14. For the aforesaid reasons, this Writ Petition fails and accordingly the same is dismissed. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.