

(2026) 02 MAD CK 1770

In the Madras High Court

Case No : Writ Petition No. 14899 Of 2024, Writ Miscellaneous Petition No. 24951 Of 2025

Union Of India

APPELLANT

Vs

Central Admininstrative Tribunal And Others

RESPONDENT

Date of Decision : 20-02-2026

Acts Referred:

Citation : (2026) 02 MAD CK 1770

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

Bench : Division Bench

Advocate : R.Syed Mustafa, Karthik Rajan

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.569 of 2017, dated 11.08.2022.

2. Heard Mr.R.Syed Mustafa, learned Special Government Pleader (Pondy) appearing on behalf of the petitioners and Mr.Karthik Rajan, learned counsel appearing on behalf of the second respondent.

3. Mr.R.Syed Mustafa, learned Special Government Pleader (Pondy) appearing on behalf of the petitioner would submit that the second respondent herein had been engaged as a daily rated Driver in the year 1987 and was offered a regular post of Helper in the year 1999. Accepting the offer, he had also joined the duty on 01.06.1999 and was made permanent in the post of Helper with effect from 01.06.2001. Particulars were called for absorption of daily rated drivers working in the Government of Pondicherry as regular drivers and 9 people who were found eligible were issued with orders of appointment. During that relevant point of time, the name of the second respondent was not sponsored by the Agriculture Department as he was already holding a post of Helper on regular basis. As he was not absorbed as a Driver, the second respondent had moved the

Central Administrative Tribunal, wherein by order dated 07.04.2005, the second respondent was directed to be absorbed as a Driver LMV Grade-III with effect from 17.10.2003 and decide the seniority in accordance with the Rules.

4. As the said order had not been complied with, the second respondent had moved a Contempt Application before the Tribunal. The Recruitment Committee recommended absorption of the second respondent with effect from 17.10.2003 as ordered by the Tribunal. However, only his pay was fixed and his monetary benefits was given with effect from actual date of joining the post namely 20.09.2016.

5. The second respondent had again approached the Tribunal seeking for payment of arrears and allowance payable to him with effect from his date of his absorption and also to promote him as Driver (LMV) Grade-II on par with his juniors. Under the impugned orders, the Tribunal had directed payment of arrears of pay and allowance with effect from 17.10.2003 and also to grant him promotion as claimed on par with his juniors. He would submit that the post of Driver (LMV) Grade-II is a promotional post from the Feeder category and Driver (LMV) Grade-III is not given promotion based on the seniority and that such promotion would be made only on the basis of the passing the trade test conducted for such promotion.

6. He would submit that the second respondent had not cleared the trade test and hence, he would not also be entitled for promotion. That apart, he would submit that he had been only absorbed in the year 2016 and therefore, he would also not be entitled to the payment of backwages as he was not borne in service on the said date. Hence, he would seek indulgence of the orders impugned herein.

7. Mr.Karthik Rajan, learned counsel appearing on behalf of the second respondent on the other hand would submit that as early as in the year of 2005, orders were passed directing absorption of the second respondent as a Driver with effect from 17.10.2003. However, only after the contempt proceedings had been initiated by the second respondent, orders of absorption was made on 20.09.2016 with effect from 17.10.2003. The Tribunal recording the order of absorption, had closed the contempt with liberty to the second respondent to approach the petitioner by giving appropriate representations and even thereafter, if he is aggrieved to approach the Tribunal.

8. He would submit that for no fault of second respondent, the petitioner had failed to comply with the orders passed by the Tribunal and only on the threat of contempt, they had complied with the order. Therefore, the petitioner cannot deny the second respondent his right to receive the backwages, promotion and other consequential benefits. Hence, he would submit that there is no error in the impugned orders requiring interference by this Court and hence, seeks dismissal of the Writ Petition.

9. We have considered the submissions made by the learned counsels appearing

on either side and perused the materials available on record.

10. It is an admitted case that the second respondent had the benefit of the order of the Tribunal in O.A.No.236 of 2004 which was made as early as on 07.04.2005. The second respondent's claim was found meritorious and hence, there was a direction to the petitioner to absorb him as Driver (LMV) - Grade-III with effect from 17.10.2003. The said order became final as the petitioner had not challenged the same. No reasons have been attributed by the petitioner as to why there was a delay in implementing the orders passed by the Tribunal.

11. It is to be noted that the orders of absorption had been made only after the second respondent had initiated the contempt proceedings for the violation of the directions issued by the Central Administrative Tribunal. Even in the order of absorption it had been indicated that based upon the observation made by the Central Administrative Tribunal during the hearing of the Contempt Application, the order of the Tribunal dated 07.04.2005 was being complied with. This shows the laxity and callous attitude of the petitioner in complying with the judicial orders passed against them. The petitioner having acted in a contemptuous manner cannot deny the rightful benefit that had been accrued to the second respondent by orders of the Tribunal as early as in the year 2005.

12. In that context, it is useful to refer to the 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. For the aforesaid reasons, we do not find any merits in the Writ Petition and accordingly, the same stands dismissed. Consequently, connected miscellaneous petitions are also closed. However, there shall be no order as to costs.