



WP No. 5512 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-10-2022

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**WP No.5512 of 2016**

S.Sethumadhavan

..

Petitioner

VS.

1.Government of Tamil Nadu,  
Represented by the Deputy Secretary to Government,  
Industries (MIC-2) Department,  
Secretariat,  
Chennai – 600 009.

2.The Director of Sugar,  
No.690, Anna Salai,  
Nandanam,  
Chennai – 600 035.

3.South India Sugar Research Foundation,  
Represented by its Chairman,  
Governing Council,  
Nandanam,  
Chennai – 600 035.

4.The Director,  
Sugar Research Institute,  
Ammundi,  
Vellore Sugar Mills (Post),  
Vellore District – 632 519. ..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the fourth respondent herein to issue orders declaring satisfactory completion of probation by the petitioner in the post of Office Assistant in Sugar Research Institute, Ammundi, Vellore District, on 18.11.2012 A.N., in the light of Government Letter No.6480/MIC.2/2013-6 Industries (MIC.2) Department, dated 19.12.2014, and to grant consequential benefits such as annual increments, pay arrears etc., with interest.

|                        |                                        |
|------------------------|----------------------------------------|
| For Petitioner         | : Mr.J.Ravi for<br>Mr.M.Ravi           |
| For Respondents-1 to 3 | : Mr.S.Rajesh,<br>Government Advocate. |
| For Respondent-4       | : Ms.S.Krithika for<br>Mr.R.Gopinath   |

### **ORDER**

The relief sought for in the present writ petition is to direct the fourth respondent to issue orders declaring satisfactory completion of probation by the petitioner in the post of Office Assistant in Sugar Research Institute, Ammundi, Vellore District, on 18.11.2012 A.N., in the light of Government Letter No.6480/MIC.2/2013-6 Industries (MIC.2) Department, dated 19.12.2014, and to grant consequential benefits such as annual



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increments, pay arrears etc., with interest.

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2. The petitioner states that he is serving on daily wage basis as Casual Worker/Officer Assistant from the year 1992 onwards in Sugar Institute, Ammundi at Vellore District, which is an Unit of South India Sugar Research Foundation, recognised by the Department of Scientific and Industrial Research. The petitioner earlier filed WP No.12288 of 2011, seeking the benefit of regularisation and permanent absorption.

3. This Court directed the respondents to consider the case of the writ petitioner and pass orders. Pursuant to the directions, the Authorities have considered the case of the writ petitioner and rejected the same, since the petitioner did not possess the requisite qualification of 10<sup>th</sup> Standard pass, which is prescribed for the post held by him. Since the petitioner did not qualify, the benefit of regularisation and permanent absorption were not granted to the writ petitioner.



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4. The learned counsel for the writ petitioner made a submission that the petitioner is continuing as daily wage employee as of now. While-so, the benefit of annual increment, which is the benefit to be granted to the regular employees, cannot be granted to the writ petitioner.

5. In view of the fact that the petitioner was engaged only as daily wage employee and continuing as such, he is not entitled for the benefits of the regular employees working in the respondent-Organisation. However, the benefits, for which the petitioner is otherwise eligible in accordance with the Rules, are to be granted.

6. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

**19-10-2022**

Index : Yes/No.  
Internet : Yes/No.  
Speaking Order/Non-Speaking Order.  
Svn



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**S.M.SUBRAMANIAM, J.**

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