



W.P.No.6336 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6336 of 2013
and M.P.No.2 of 2013

1. G.Vijayan
2. G.Venkatesan
3. M.Dhanapal
4. G.Kathirvel
5. A.Thangarasu
6. N.R.Sundaramurthy
7. D.Jeevanandam
8. G.Ganesan

... Petitioners

Vs.

1. The Director of Sugar/
Registrar of Cooperative Societies
for Cooperative Sugar Mills,
Periyar Maaligai,
Nandanam, Anna Salai,
Chennai – 600 035.
2. The Administrator,
Kallakurichi II Co-op Sugar Mills Ltd.,
Kachirayapalayam & Post,
Kallakurichi Taluk,
Villupuram District.
3. A.Basha
4. R.Rajagopal
5. R.Jayapandian
6. S.Sundaram



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7. P.Kathirkammam
8. K.Karna Boobathi
9. R.Elango
10. P.M.Gunasekaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Rc.No.18233/S&L-1/2011, dated 28.12.2012 and quash the same insofar relates to not given the promotion to the post of Cane Development Assistants to the petitioners and consequently direct the respondents 1 & 2 to promote the Cane Development Assistants from the date of promotion given to the respondents 3 to 10 i.e., from 11.07.2002 with all monetary benefits to the petitioners.

For Petitioners : Mr.C.Prakasam
For Respondents
For R1 & R2 : Mr.M.P.Murugan Raja
Government Advocate
For R3 to R10 : No ready in notice.

ORDER

The Writ Petition has been filed challenging the order dated 28.12.2012, passed by the first respondent in his proceedings in Rc.No. 18233/S&L-1/2011, thereby rejecting the request made by the petitioners for their promotion to the post of Cane Development Assistant.



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2. The petitioners are working as Cane Assistants in the second respondent sugar mill for the past several years. Originally, they were appointed in Vellore co-operative sugar mill and Chengalvarayan sugar mill. Thereafter, they were transferred to the second respondent sugar mill along with continuity of service. While they were working in the second respondent sugar mill, the respondents 3 to 10 were working in Kallakurichi cooperative sugar mill No.1, Chengalvarayan cooperative sugar mills, Perambalur sugar mills, Vellore cooperative sugar mills and NPKRR cooperative sugar mills at Mayiladuthurai.

3. Subsequently, the respondents 3 to 10 were resigned their jobs and joined in the second respondent sugar mills. In fact, they lost their seniority in the post of Cane Assistant in the second respondent mills. Therefore, their appointment was fresh appointment and their service and lien with previous sugar mills were cut down and the petitioners are senior in service than the respondents 3 to 10 herein. Even then, the respondents 3 to 10 were placed as seniors to the petitioners in the seniority list. It was prepared without giving any opportunity to the petitioners and also suppressed the date of entry, the second respondent published the seniority list. Hence, the petitioners filed this present Writ



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Petition with the above said prayer.

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4. Heard the learned counsel appearing on either side and perused the material on records.

5. The counter filed by the first respondent revealed that the seniority list drawn vide proceedings dated 11.07.2002 relates to the seniority in each and every cadre and placement of the individuals. The said seniority list would not automatically guarantee promotion. In fact, the service conditions as contained in the special by-laws of the sugar mill contemplates the promotion from one category to other would be given only based on merit, experience, qualification, suitability and seniority and not on seniority alone.

6. Further, when consideration for the post of Cane Development Assistant arose, it is mandatory on the part of the management to consider eligible candidates on the basis of satisfying the rules prescribed in this regard, more particularly, the rules contained in the circular of the Commissioner of Sugar dated 08.04.1998, where there was a mandatory requirement for completion of service as a Cane



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Assistant for 14 years with the requisite qualification prescribed for Cane Assistant.

7. Admittedly, the petitioners were not having 14 years of experience as such their request was not considered by the first respondent. Though the petitioners contended that they have joined in service of the Kallakurichi Sugar Mill-1, in the year 1968 and claiming seniority against the respondents 3 to 10 herein, by virtue of the Government Order in G.O.Ms.No.834, Industries Dept., dated 08.12.1997, the sugar mills were treated as independent entities. Based on the said G.O., willingness were called for from the employees to exercise their options to be permanently absorbed in the respective sugar mills or be reverted back to the services from where they were deputed before passing of the said G.O. Therefore, the request made by the petitioners rightly rejected by the second respondent.

8. In view of the above discussions, this Court finds no infirmity or illegality in the order passed by the second respondent and the Writ Petition is devoid of merits and liable to be dismissed.



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Accordingly, the Writ Petition stands dismissed. Consequently,
connected miscellaneous petition is also closed. There shall be no order
as to cost.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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