



W.P.Nos.11214 & 14295 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.Nos.11214 & 14295 of 2022 &

WMP.Nos.10788 & 13530 of 2022

1. V.Malayappan
2. R.Parthasarathy
3. A.Andreas
4. M.Veeraghavan
5. R.Thiagarajan
6. M.Panneerselvam
7. A.Somasundaram
8. N.Anbalagan
9. C.Ramachandran
10. V.Adishesan
11. C.P.Sukumar
12. V.nagarajan
13. N.Lakshmi

... Petitioners in W.P.No.
11214 of 2022

1. P.Sadagopan
2. R.Chandramurthy
3. S.Markandan
4. M.Padmaja
5. AR Sampathraghavan
6. S.Balachandran

Petitioners in W.P.No.
14295 of 2022

Vs



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1. The Union of India
Rep. by its Secretary,
Ministry of Consumer Affair, Food & Public Distributions,
Government of India, Krishi Bhavan, New Delhi – 110 001.
2. The Union of India , represented by the Secretary,
Ministry of Finance, Government of India,
North Block, New Delhi – 110 001.
3. The Union of India, represented by
The Secretary, Ministry of Personnel, Public
Grievances & Pensions,
Department of Pension & Pensioners Welfare,
3rd Floor, Lok Nayak Bhavan, New Delhi – 110003.
4. The Food Corporation of India,
Represented by the Managing Director,
Head Quarters, 16-20 Barakamba Lane,
New Delhi – 110 003. ... Respondents in both WPs

Prayer in W.P.No.11214 of 2022 :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to dispose of their representations dated 29.10.2021, 27.12.2010 and 21.02.2022 in terms of the Order dated 22.09.2021 made in W.P.No.2817 of 2009 on the file of this Court.

Prayer in W.P.No.14285 of 2022:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to dispose of their representations dated 29.10.2021, 27.12.2010 and 21.02.2022 in terms of the Order dated 22.09.2021



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made in W.P.No.2817 of 2009 on the file of this Court and the Office memorandum of concurrence made in No.25[3]EV/2005 dated 31.12.2014 by the second respondent.

For Petitioner : Mr.G.Ethirajulu

For respondents : Mr.C.Kulanthaivel, SPC – R1 to R3
in W.P.No.11214 of 2022
Mr.D.Simon, CGSC – R1 to R3

Mr.C.K.Chandrasekar for R4
in both WPs.

COMMON ORDER

These Writ Petitions have been filed to direct the respondents to dispose the representations of the petitioners dated 29.10.2021, 27.12.2010 and 21.02.2022 in terms of the Order dated 22.09.2021 made in W.P.No.2817 of 2009 on the file of this Court and the Office memorandum of concurrence made in No.25[3]EV/2005 dated 31.12.2014 by the second respondent.

2. The main grievance of the writ petitioners is that they were working in the Department of Food, Agricultural and Home from 1962 to



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1969 and when the Food Corporation of India Act came into effect in the year 1964, there was transfer of employees to Food Corporation of India. As per S.12A of the Food Corporation of India Act any person can exercise his option in writing in respect of terminal benefits. However, the same has not been exercised by the petitioners. The above option has been extended from time to time and even in the year 1985 extension is granted to the employees and there were some recommendations made by the pay commission. The primary grievance of the petitioner is that though the proposal has been made in the year 2014, the amendment has not been brought to the notice of the petitioners and it has not been circulated. According to the petitioners, they have made several representations to the respondents and the same have not been considered by them. Therefore, seeks a direction to consider their representation based on the positive official correspondence to amend the Act.

3. On a perusal of the entire writ petition, this Court is of the view that Writ of Mandamus directing the respondent to send notes of internal



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communication for amendment of the Act cannot be issued. In fact, the entire materials and submissions made before this Court, the main concern of the writ petitioners is that the amendment to be brought in the Food Corporation of India Act by taking note of certain official communications addressed on the basis of their representation. In such view of the matter, this Court is of the view that bringing any amendment in the statute is the wisdom of the parliament. This Court cannot direct the respondent to act in any particular manner to bring amendment in the statute. Merely because some communications, which are in favour of the petitioners was placed on record, when the question of amendment is the wisdom of the parliament, this Court cannot give direction to the respondent in this regard. Hence, I do not find any merits in this Writ Petition. It is well open to the petitioners to pursue their grievance before appropriate Government.

4. Accordingly, this Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

20.07.2023



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Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road, Chitrataripeet,
Chennai – 600 003.
2. The General Manager,
Chennai Metropolitan Water Supply and Sewerage Board,
No.75, C.M.A.Building, 2nd floor, M.R.C.Nagar,
Chennai – 600 028.



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N.SATHISH KUMAR, J.

VTC

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