



WEB COPY



W.A.No.3952 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.3952 of 2019
and
C.M.P.No.24790 of 2019

The Special Officer,
Tiruppattur Coop. Sugar Mills Ltd.,
Kethandapatti,
Vellore District – 635 815.

... Appellant

Vs.

1.P.Ramar

2.The Government of Tamil Nadu,
Represented by its Secretary,
Industries Department,
Fort St. George, Chennai – 600 009.

3.The Commissioner of Sugar,
696, Anna Salai,
Nandanam, Chennai – 600 035.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 02.09.2009 in W.P.No.28849 of 2008.

For Appellant : Mr.Bala Ramesh

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader for R2



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JUDGMENT

WEB COPY(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This appeal has been directed against the common order passed by the Writ Court dated 02.09.2009 in W.P.No.28849 of 2008 etc. batch.

2. As against the said common order, number of intra-Court appeals have been filed where the subject matter was subject posts whether to be included in the common cadre or not. One set of writ petition was allowed by a learned Judge of the Writ Court, another set of writ petitions were dismissed by another learned Judge, as against both orders, intra-Court appeals were filed and all these appeals were clubbed together and disposed of by a common order of the Division Bench in W.A.No.450 of 2010 etc. batch by order dated 02.12.2010 where the Division Bench has passed the following order:

“36. The background facts as narrated above would show that these employees have approached this Court with a stale claim after a period of about twenty five years and that too, after the abolition of the Common Cadre System.

37. The Common Cadre System had its own



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advantages and disadvantages. The posts included in the Common Cadre System were made transferable from one organisation to another. Therefore, the employees under the Common Cadre System were liable to be transferred to another organisation situated elsewhere. They have to retire at the age of 58 years. It was only on account of all these factors better pay structure was given to the employees under the Common Cadre System. By making the claim after the abolition of the Common Cadre, these employees wanted only to enjoy the benefits of the system. In any case, no such claim could be made ten years after abolishing the Common Cadre Service.

Disposition:

38. For the reasons set out above, the learned Judge was wrong to quash the orders impugned in the first batch of writ petitions. It follows that we agree that the learned Single Judge was correct in dismissing the second batch of writ petitions.

39. In the upshot, we allow all the writ appeals challenging the directions given by the learned Judge to include the subject posts in the Common Cadre Service. We would dismiss the second batch of appeals confirming the dismissal of the writ petitions. Consequently, the connected MPs are closed. No costs.”



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WEB COPY 3. The present intra-Court appeal is one of the left out case arising out of the said common order.

4. Since already the issue has been concluded by the said order dated 02.12.2010 where the aforestated order was passed by the Division Bench, the same would cover the present case also. Therefore, in the light of the above, this writ appeal also is allowed to the terms indicated in para 36 to 39 of the order dated 02.12.2010 as extracted herein above. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] [K.B., J.]
29.08.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Sgl

To



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