



W.P.(MD).No.16258 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16258 of 2023

A.Surendran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk,
Chennai-600 010.

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk,
Chennai-600 010.

3.The Deputy Collector / Regional Manager,
Tamil Nadu Civil Supplies Corporation Building,
Madurai Region,
Kuruvikaran Salai,
Madurai-20,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to provide the monetary benefits for promotion to the post of Superintendent with effect from 27.02.2019 by considering the petitioner's representation dated 23.05.2023.



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For Petitioner : Mr.S.Louis

For Respondents : Mr.K.R.Badurus Zaman
Standing Counsel

ORDER

The present writ petition is for a Mandamus, seeking direction to the first respondent to provide the monetary benefits for promotion to the post of Superintendent with effect from 27.02.2019 by considering the petitioner's representation dated 23.05.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Bill Clerk in the year 2011. Thereafter, on 07.09.2012, he was given appointment to the post of Directly Recruited Junior Assistant. Subsequently, on 03.11.2015, he was given with the notional promotion to the post of Assistant and further a notional promotion as Superintendent on 30.11.2022 with effect from 27.02.2019. Though promotion was granted, the monetary benefits pertaining to the promotion was not granted and hence, the petitioner made a representation, dated 23.05.2023 praying for



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monetary benefits and that was not considered. Hence, this writ petition came to be filed.

4. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

5. The learned Counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

6. However, the learned Standing Counsel for the respondents vehemently contradicted the same by stating that the petitioner was charged with 17A charge memo and that was subsequently closed.

7. The crucial date for inclusion of the petitioner's name in the panel for promotion to the post of Assistant was of the year 2015. However, a charge memo under Rule 4 of the Tamil Nadu Civil Supplies Corporation Service Regulations, 1989 equivalent to 17A charge memo, was issued on the petitioner



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and during the pendency of the same, the award of the promotion was declined to him. However, the petitioner challenged the same before this Court by filing a writ petition in W.P(MD)No.5109 of 2019, in which, this Court allowed the said writ petition, thereby directing the respondents to consider the name of the writ petitioner for promotion to the post of Assistant, if he is otherwise qualified and eligible in accordance with the rules in force and with reference to the seniority.

8. The learned Standing Counsel insisted that, though promotion is granted to him with effect from 27.02.2019, the petitioner is entitled to monetary benefits only from 30.11.2022, (i.e.,) the date of joining. Such an argument made by the learned Standing Counsel for the respondents cannot be accepted. This Court has already directed the respondents to consider the name of the writ petitioner for promotion to the post of Assistant, if he is otherwise qualified and eligible in accordance with the rules in force and with reference to the seniority.

9. Fully considering the same, the petitioner was duly given with promotion with effect from 27.02.2019. Hence, he is entitled to the monetary



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benefits as well. Therefore, this Court is inclined to allow this writ petition by directing the first respondent to provide monetary benefits for promotion to the post of Superintendent with effect from 27.02.2019, by considering the petitioner's representation, dated 23.05.2023 within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

10. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs.

06.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk,
Chennai-600 010.

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk,
Chennai-600 010.



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L.VICTORIA GOWRI, J.

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3.The Deputy Collector / Regional Manager,
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