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W.P.Nos.497, 499 & 501 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.497, 499 & 501 of 2020 and
W.M.P.Nos.580, 581, 582,
583, 584, 585 of 2020

1.A.Senthilkumar	... Petitioner in W.P.No.497 of 2020
2.K.Panchamoorthy	... Petitioner in W.P.No.499 of 2020
3.P.Ulagajothi	... Petitioner in W.P.No.501 of 2020

Vs.

1.Tamil Nadu Civil Supplies Corporation Ltd.,
Rep by its Managing Director,
12, Thambusamy Street,
Kilpauk, Chennai 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Cuddalore Region, Cuddalore - 1.

... Respondents in all W.Ps

Prayer in all W.Ps: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Circular No.21/2018 in Na.Ka.No.AE2/2284/2018 dated 09.04.2018 issued by the first respondent and consequential order in Na.Ka.No.E3/6484/2018 dated 29.03.2019 issued by the second respondent and quash the same in so far



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as it relates to the petitioners herein and consequently direct the respondents to consider the names of the petitioners in the next available permanent vacancy in the post of Helpers / Bill Clerks.

In all W.Ps

For Petitioners : Mr.K.Premkumar

For Respondents : No appearance

COMMON ORDER

These Writ Petitions have been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Circular No.21/2018 in Na.Ka.No.AE2/2284/2018 dated 09.04.2018 issued by the first respondent and consequential order in Na.Ka.No.E3/6484/2018 dated 29.03.2019 issued by the second respondent and quash the same in so far as it relates to the petitioners herein and consequently direct the respondents to consider the names of the petitioners in the next available permanent vacancy in the post of Helpers / Bill Clerks.

2. Heard Mr.K.Premkumar, learned counsel for the petitioners. No representation for the respondents.



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3. The petitioners were working as Seasonal Bill Clerks in the respondent Corporation and they were appointed in a permanent post as Bill Clerks in Chennai and Tirunelveli Districts in the year 2011. However, the petitioners were not able to continue in permanent service at Chennai and Tirunelveli and they requested for reversion to Seasonal Bill Clerk post itself at their native place and they were reversed in the same year. Even though the petitioners were sent back to their native and were considered to work as Seasonal Bill Clerks, they were kept in the seniority list below the junior most Seasonal Bill Clerk. In fact the permanent post for Seasonal Bill Clerk was given in view of the settlement arrived between the Management and Union. The grievance of the petitioners is that their position in the seniority was lost and they were kept under the junior most Seasonal Bill Clerk after their reversion only based upon certain circulars which were issued subsequent to their reversion.

4. The learned counsel for the petitioners submitted that those circulars ought to have been given with prospective effect but the



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respondents have implemented it in retrospective manner.

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5. A circular has been issued on 09.04.2018 by considering the inconvenience caused to the respondent Corporation in view of repeated request made by all those permanent employees by giving option to come back as Seasonal Bill Clerk post. In the said circular, it has been stated that if a person who had accepted permanent employment comes back to his Seasonal Bill Clerk post, his seniority will not be restored in the same place where he was previously placed and he has to be kept at the bottom of the seniority list.

6. Subsequent to the above circular, the petitioners' seniority is re-shuffled and they were kept below their juniors through proceedings dated 29.03.2019 in Na.Ka.No.E3/6484/2018 of the second respondent. Since the petitioners had returned to the Seasonal Bill Clerk post as early as in the year 2011, the impact of the circular could be applicable only from the date of issuance of the order. In fact, in the subject of the above circular itself, it has been stated that the order has been issued in respect of the persons who have relinquished their appointment in the time scale



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in permanent post in the year 2015. But so far as these petitioners are concerned, their appointment was made as early as in the year 2011 and they came back within two months to the native place in the same year. The impugned order has been passed without giving notice to the petitioners. Hence, the applicability of the above circular to the petitioners' case is sheer misconstruction of the circular by the respondents.

7. In view of the above stated reasons, these Writ Petitions are allowed and the impugned order passed by the second respondent in Na.Ka.No.E3/6484/2018 dated 29.03.2019 is set aside and the respondents are directed to consider the names of the petitioners in the next available permanent vacancy in the post of Helpers / Bill Clerks. No costs. Consequently, connected miscellaneous petitions are closed.

29.02.2024

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
12, Thambusamy Street,
Kilpauk, Chennai 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Cuddalore Region, Cuddalore - 1.

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