



W.P.No.26742 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.26742 of 2015

K.Sivaprakasam

... Petitioner

-VS-

1.Tamil Nadu Civil Supplies Corporation
Represented by its Chairman and Managing Director
Thambusamy Road,
Kilpauk, Chennai 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Uthagamandalam,
Nilgiris District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent pertaining to the proceedings of AE4/17356/2014 dated 20.08.2014 and the consequential order



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passed by the 2nd respondent in his proceeding viz. Na.Ka.No. E1/2649/2014 dated 04.09.2014 and quash the same in so far as granting monetary benefits with effect from 04.01.2010 in the cadre of Superintendent, instead of with effect from 20.05.1997 and direct the respondents to pay all consequential monetary benefits arising out of his promotion in the post of Superintendent with effect from 20.05.1997 with interest at 18% till the date of realization within the stipulated time as fixed by the Hon'ble Court.

For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.K.Thirugnanam

ORDER

This writ petition has been filed issuing Proceedings No. AE4/17356/2014 dated 20.08.2014, whereby the petitioner was promoted to the post of Superintendent with effect from 20.05.1997, to the extent of granting monetary benefits only with effect from



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04.01.2010 as illegal and arbitrary and seeking a consequential direction to grant a monetary benefits from the date on which the petitioner was promoted as Superintendent.

2. A perusal of the impugned order shows that the same was passed by the respondent, pursuant to an order passed by the Division Bench of this Court in W.A.No.2437 of 2013 dated 03.03.2014. The operative portion of the order passed by the learned Division Bench in W.A.No.2437 of 2013 reads as under:

“14. In the light of the above reasons, this Court is of the view that interference is warranted in this appeal and the writ appeal is partly allowed and the order dated 27.3.2013 made in W.P.No.9705 of 2006 is modified to the effect that writ petitioner is to be given promotion as Superintendent with effect from 20.5.1997 subject to the fulfilment of criteria with all consequential benefits. The appellants, who are official respondents in the writ petition are directed to complete said exercise within a period of six weeks from the date of receipt of copy of this order. No costs.



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Consequently, M.P.No.1 of 2013 is closed."

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3. A perusal of the above order shows that the Division Bench directed the respondents to give the benefit of promotion as Superintendent to the petitioner with effect from 20.05.1997 subject to the fulfilment of criteria, with all consequential benefits. Pursuant to the said order dated 03.03.2014, the respondents have issued the proceedings dated 20.08.2014 promoting the petitioner with effect from 20.05.1997 with monetary benefits with effect from 04.01.2010. As already noted above, learned Division Bench specifically directed the respondents to give promotion to the petitioner with effect from 20.05.1997 subject to the fulfilment of criteria, with all consequential benefits. The respondents have found that the petitioner is eligible for the post of Superintendent with effect from 20.05.1997, and he was promoted accordingly, however, without monetary benefits.



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5. Accordingly, this writ petition is allowed. No costs.

09.12.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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To

- 1.The Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation
Thambusamy Road,
Kilpauk, Chennai 600 010.
- 2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
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MUMMINENI SUDHEER KUMAR,J.

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