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WP.No.24151 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

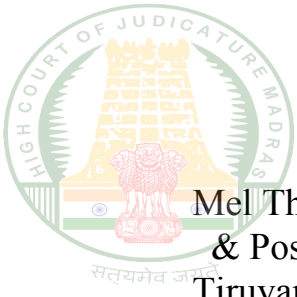
THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.24151 of 2019

and

WMP.No.23942 of 2019

1. K.Chidambaradhanu
S/o.Kumarsamy Pillai,
No.13/41, V.P.Thangavelu Mudaliar Street,
Saynathapuram, Vellore-632 001.
2. K.Pappammal
L.Kannayan
No.3, Tiruvallur Street,
Aasanampet Road,
Ambur, Vellore District.
3. G.Raja
S/o. Gopal
Vasoor Village & Post
Polur Taluk,
Tiruvannamalai District - 606 803.
4. P.Vadamalai
S/o.Parasuram
No.85, Brahmins Street,
Karaipoondi Post,
Polur Taluk,
Tiruvannamalai- 606 803
5. G.Kumar
S/o.Gopal



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Mel Theru, Karpoondi Village
& Post, Polur Taluk,
Tiruvannamalai - 606 803

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6. C.Maran,
S/o.Chinnakuzhadhai,
Ambedkar Nagar,
Athimoor Post, Polur Taluk,
Tiruvannamalai District - 606 803

7. C.Gandhi,
S/o.Chinnappaiyan Gandhi Nagar,
Athimoor, Polur Taluk,
Tiruvannamalai - 606 80.

...

Petitioners

/vs/

1. The State of Tamil Nadu,
Rep. by its Secretary to Government
Corporation, Food and Consumer Protection
Department, Fort St.George,
Chennai - 600 009.

2. The Tamil Nadu Civil Supplies Corporation Ltd.,
Rep. by its Chairman-cum-
Managing Director, 12,
Thambusamy Road,
Chennai-600 010.

3. The Tamil Nadu Civil Supplies Corporation Ltd,
Rep. by its Regional Manager,

Vellore Region, Vellore. ...

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to



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issue a writ of CERTIORARIFIED MANDAMUS calling for the entire records in pursuant to the impugned order in proceedings Lr.RcNo.ALB1/40002/2008 dated by 23.02.2016 passed by 2nd respondent and quash the same, to the extent it being a special case to the Writ Petitioners in W.P.No.10108 of 2008 dated 11.03.2014 alone and not extending such benefits to such other absorbed Packers and direct the Respondents to act in accordance with the order passed by this Court in W.P.No.10108 of 2008 dated 11.03.2014.

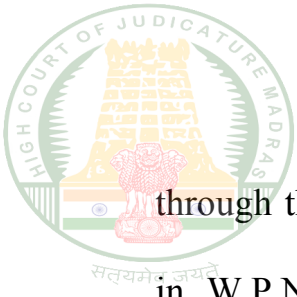
For Petitioners : M/s.Thangavadhana Balakrishnan

For Respondents : Mr.T.Chezhian, AGP

ORDER

Heard M/s.Thangavadhana Balakrishnan, learned counsel for the petitioner and Mr.T.Chezhian, learned Additional Government Pleader for the respondents and perused the materials available on record.

2.The petitioners had joined in the 3rd respondent Corporation as Casual Labourers and subsequently absorbed as packers. The petitioners are not extended with the benefits given to the regular packers who were employed

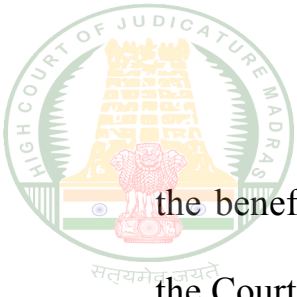


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through the Employment Exchange. In this regard, a writ petition has been filed in W.P.No.10108/2008 and in which, an order has been passed that even absorbed packers should also be treated equally as that of the regular packers and they should also be given with the benefit of Leave Travel Concession, encashment of earned leave on surrender on attaining the age of retirement, medical leave allowances, washing allowances and tea dust allowances along with coverage under the compassionate appointment scheme. Even though the above benefits have been given to the writ petitioners in W.P.No. 10108/2008, the petitioners, who are the similarly placed persons, have not been given with similar benefits. Hence the petitioners have filed this petition.

3. The learned counsel for the petitioners submitted that similarly placed persons should be treated similarly and the respondents cannot treat the petitioner who filed a writ petition alone differently.

4. Reference was made to the judgment of the Hon'ble Supreme Court held in *Lt.Col.Suprita Chandel Vs. Union of India & Others* reported in **CDJ 2024 SC 1049**. In the said case, it is held that if a person aggrieved by an action of the government department has approached the Court and got an order in his favour,

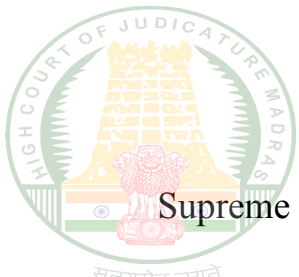


the benefit is extendable to all similarly placed persons, who have not come to the Court. No doubt, when a similarly placed person who is getting the benefit on par with the regular packers because of coming to Court, the same benefit should be extended to all those who are similarly placed, irrespective of the fact whether they have filed a writ petition or not.

5. In fact this Court has made the following observation in the order passed in W.P.No.10108/2008:

"5..... From the date of regularisation, when they were enjoying the benefits, it is absolutely unfair and unjust for the respondents to say that the petitioners were given the benefits inadvertently before 05.04.2007, when they were already given the benefits from the date of their regularisation from 28.06.2000. After seven years, by passing the impugned order, the respondents cannot withdraw the benefits as prayed for in the writ petition. In view of the above, the writ petition stands allowed and the impugned orders are set aside. The respondents are directed to restore the benefits, as prayed for in the writ petition, to the petitioners on receipt of a copy of this order. Consequently M.P.No.1 of 2008 is closed. However, there shall be no order as to costs. "

6. In this regard it is relevant to refer the judgement of the Hon'ble



Supreme Court held in ***Lt.Col.Suprita Chandel*** (cited supra). In the said case, the

Hon'ble Supreme Court has observed as under:

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"14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court.[see Amrit Lal Berry Vs.Collector of Central Excise, New Delhi and others, (1957) 4 SCC 714]"

7. The respondent corporation cannot make it a mandate that each and every person of the same category should come to the Court in order to get their legitimate benefits. As the Court has upheld their entitlement to get the benefits already granted in W.P.No.10108/2008, the same benefit should be retreated to the petitioners who are also similarly placed. As the petitioner's representation has not been considered so far, I feel appropriate direction to be given to the respondents.

8. In a result, this writ petition is **allowed** and the respondents are directed to consider and pass order on the representation submitted by the petitioners dated 27.09.2018, in the light of the order passed in WP.NO.10108/2008 dated



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11.03.2014 within a period of four weeks from the date of receipt of copy of this

order. There shall be no order as to costs. Consequently, the connected

miscellaneous petition is also closed.

03.03.2025

Index : Yes

Internet : Yes/No

Speaking : Non-Speaking order

Neutral: Yes/ No

jrs

To

1. The Secretary to Government
State of Tamil Nadu,
Corporation, Food and Consumer Protection
Department, Fort St.George,
Chennai - 600 009.
2. The Tamil Nadu Civil Supplies Corporation Ltd.,
Rep. by its Chairman-cum-
Managing Director, 12,
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3. The Tamil Nadu Civil Supplies Corporation Ltd,
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