



W.P.No.42773 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

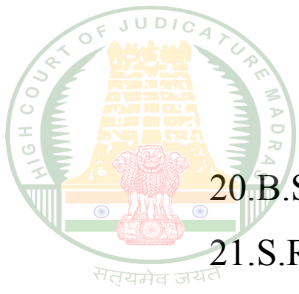
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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.42773 of 2016

- 1.M.G.Gururaju
- 2.K.Periyasamy
- 3.M.Palanisamy
- 4.V.Dakshnamoorthy
- 5.A.Venugopal
- 6.M.Ratnam
- 7.M.Thangavelu
- 8.S.Kulanthaivelu
- 9.K.Karuppaiyah
- 10.S.Nageshvaran
- 11.P.Kesavan
- 12.K.Natarajan
- 13.C.Rajendran
- 14.S.Govindan
- 15.P.Rajalingam
- 16.B.Panner Selvam
- 17.R.Ramamoorthy
- 18.G.Mohan Doss
- 19.P.Venkatakrishnan



20.B.Senthamarai

21.S.Ramaraji

22.C.Balasubramaiyam

23.M.Radhakrishnan

... Petitioners

Vs.

1.Tamil Nadu Minerals Ltd.
Rep. by its Managing Director,
Chepauk,
Chennai – 600 005.

2.The General Manager,
Tamil Nadu Minerals Ltd.
Chepauk, Chennai – 600 005.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to order dated 19.08.2015 in Na.Ka.No.13307/E5/2014 passed by the 2nd respondent herein and quash the same and further direct the respondents herein to give earned leave to the petitioners at the rate of 2 ½ days for each completed calendar month of service as per Service Rules of the Tamil Nadu Minerals Limited.

For Petitioners : Mr.Pradeep Jayaraman

For R1 & R2 : Ms.V.Nandhini
for M/s.A.Shri Jayanthi

ORDER

All the petitioners herein are the persons who were employed in the quarries and mines belonging to the respondent Company and retired from



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service on attaining the age of superannuation. The petitioners made a claim for payment of encashment of earned leave in terms of Service Rules of the Tamil Nadu Minerals Limited, by duly calculating the earned leave of 240 days, as provided under the above said Service Rules. The claim of the petitioners was rejected on the ground that the above said Service Rules have no application to the petitioners herein in the light of clause (iii) of Rule 1.3.2, vide proceedings in Na.Ka.No.13307/E5/2014 dated 19.08.2015. It is aggrieved by the said proceedings, dated 19.08.2015 issued by the 2nd respondent, the petitioners filed the present writ petition.

2. The respondents filed a counter affidavit reiterating their stand as is taken in the impugned proceedings.

3. Heard Mr.Pradeep Jayaraman learned counsel for the petitioners and Ms.V.Nandhini representing Ms.Shri Jayanthi, learned counsel for the respondents.

4. It is not in dispute that all the petitioners herein were employed in the quarries and mines of the respondent Company and retired from service



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on attaining the age of superannuation. The only issue that arises for consideration is whether the Service Rules of Tamil Nadu Minerals Limited would apply to the petitioners in the matter of calculating the earned leave or whether the relevant certified standing orders would apply. In case, if the Service Rules apply, the petitioners would be entitled for accumulation of a maximum of 240 days of earned leave and in case, if they are governed by certified standing orders, the petitioners would be entitled for a maximum accumulation of 30 days of earned leave. The stand of the respondents is that the Service Rules have no application to the petitioners herein, as they were employed in the quarries and mines of the respondent Company. In this connection, it is necessary to notice the relevant clause that excludes the persons employed in the quarries and mines from the application of the Service Rules.

5. The relevant clause namely clause (iii) of Rule 1.3.2 of Service Rules of Tamil Nadu Mineral Limited is extracted hereunder:

“1.3.2. (iii) Persons employed in the Quarries / Mines / Factories and other Industrial Units of the Company, who are governed by separate Standing Orders.”



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6. From the perusal of the above, it is evident that in case, if the persons who are employed in the quarries and mines are governed by separate standing orders, the application of these rules is excluded.

7. According to learned counsel for the petitioner, the pay, promotion and several other service benefits have been extended to the petitioners in terms of the Service Rules and therefore, they are also entitled for calculation of earned leave in terms of the service rules, but not under the standing orders. However, this Court is unable to agree with the said contention for the simple reason that whatever the benefits that were claimed to have been extended in favour of the petitioners in terms of the Service Rules referred to above are not provided for under the separate standing orders applicable to the petitioners herein. By virtue of the exclusion clause, referred to above, the application of Service Rules shall stand excluded only in respect of the matters that are provided under the relevant standing orders. If the standing orders are silent on any aspect, automatically the Service Rules would be applicable to the petitioners irrespective of the fact whether they are employed in the Quarries or outside the Quarries, etc. In other



words, the exclusion under the above clause (iii) is only the extent provided under the separate standing orders.

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8. Admittedly, the certified standing orders issued by the respondent Company provides for calculation of earned leave. Therefore, it is to be seen whether the said certified standing orders would be applicable to the petitioners herein or not. A copy of the certified standing orders of the respondent Company, namely the standing orders for workmen in the Mines and Quarries of Tamil Nadu Minerals Limited, is placed before this Court. In terms of the S.O.2 of the said standing orders, the said standing orders would apply to all workmen as defined in the standing orders and employed in the Mines and Quarries of the Company. In terms of the clause (f) of S.O.4, the workmen was defined, which reads as under:

“S.O.4. (f) 'Workmen' means – any persons employed in the establishment in the company defined under Sec.2(h) of the Mines Act, 1952 except any such persons who being employed in a supervisory capacity draws wages exceeding Rs.1,600/- per mensem or exercises either by the nature of duties attached to the office or reasons of the powers vested in functions meaning of a managerial nature.”

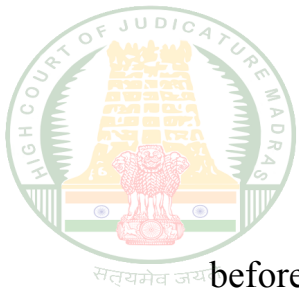
9. In terms of the above, all the persons employed in the establishment as defined under Section 2(h) of the Mines Act, 1952 would



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fall within the meaning of workmen. However, any person who being employed in a Supervisory capacity and draws wages exceeding Rs.1,600/- per mensem or exercises either by the nature of duties attached to the office or reasons of the powers vested in functions meaning of a managerial nature shall be excluded from the definition of workmen. According to learned counsel for the petitioner, some of the petitioners herein are discharging Supervisory and managerial functions and therefore, they do not come within the meaning of workmen as defined under the certified standing orders of the respondent Company.

10. If that be the case, it is for the respondent Company to decide as to whether any of the petitioners herein are in fact discharging the Supervisory/Managerial functions, thereby falling out of the definition of the workmen as provided under certified standing orders or not. If any of the petitioners would fall outside the purview of the workmen as defined under the certified standing orders, automatically they would be governed by the Service Rules of Tamil Nadu Minerals Limited referred herein above.



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11. Further, it is noticed that all the petitioners herein made a claim before the respondents for calculating the earned leave in terms of the Service Rules and the respondents have rejected the claim by passing the impugned order on ground that the Service Rules have no application to the petitioners herein, as they were employed under the quarries and mines. There cannot be any such en bloc exclusion of the employees working in quarries and mines, as the certified standing orders issued by the respondent Company have no application to all the persons employed in the quarries and mines. In case, if any of the petitioners are discharging the duties which are in the nature of Supervisory/Managerial falling out of the purview of workmen as defined under certified standing orders, then automatically the service rules would be applicable to all those petitioners.

12. In the light of the above, in the considered view of this Court, the respondents, while considering the claim of the petitioners, instead of rejecting their claim en bloc by taking their shelter under clause (iii) of Rule 1.3.2 of Service Rules, ought to have considered their claims with reference to individual case and ought to have decided whether the petitioners would fall within the meaning of 'workmen' as defined under the certified standing



orders or not. But the said exercise was not undertaken by the respondents while passing the impugned order.

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13. In the light of the above, the impugned order cannot be sustained and accordingly, the same is quashed and the matter is remanded back to the respondents for reconsideration of the individual claims of the petitioners with reference to the nature of their employment and for passing appropriate orders afresh. In case, if the respondents comes to the conclusion that any of the petitioners herein would fall outside the purview of 'workmen' as defined under certified standing orders, it is obvious that they would be governed by Service Rules but not by the certified standing orders. In case, if any of the petitioners found to be falling outside the meaning of workmen as defined under certified standing orders, they shall be extended the benefit of calculation of earned leave in terms of Service Rules of Tamil Nadu Minerals Limited.

14. The entire exercise as directed above shall be concluded by the respondents within a period of three (3) weeks from the date of receipt of a copy of this order. The petitioners are granted liberty to submit individual



representations within a period of two (2) weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

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Connected miscellaneous petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Managing Director,
Tamil Nadu Minerals Ltd.
Chepauk,
Chennai – 600 005.

2.The General Manager,
Tamil Nadu Minerals Ltd.
Chepauk, Chennai – 600 005.



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