



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No. 18734 of 2019

and

WMP.No.18083 of 2019

M.P.Ganesamoorthy,
Ex-AG.III(D)/FCI,RTD,
No. 19, Naval Hospital Road,
3rd Lane, Periamet,
Chennai- 600 003.

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Petitioner

Vs.

1. The Managing Director,
Food Corporation of India,
No. 16-20, Bharakhamba Lane,
Head quarters office,
New Delhi.

2. The General Manager (TN),
Food Corporation of India, Regional Office,
No.8, Sathyamoorthy Road,
Chennai-600 031.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the salary in the upgraded post AG III (D) with effect from the year 2000 and



also to refix the pay scale for the subsequent periods and to pay the entire arrears with 15% interest from the due date of payment

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For Petitioner : Mr.Arulraj VJ

For Respondents : Mr.M.Imthias for RR1 & 2

ORDER

The petitioner has filed this writ petition seeking a writ of mandamus directing the respondents to pay the salary for upgrading posts to AG III(D) with effect from the year 2000 and also to refix the pay scale for the subsequent periods and to pay the entire arrears with 15% interest from the due date of payment.

2. Heard Mr.P.Tamilavel, learned counsel for the petitioners, and Mr. C.Selvaraj, learned standing counsel for the respondents, and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner had joined as a watchman in the respondent corporation on 12.10.1976, and he was not given with any promotion while his juniors were given. The petitioner went on voluntary retirement with effect from 20.12.2004. The



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petitioner's promotion is due since 2000, and the petitioner has not received any pay scale corresponding to his promoted post and the consequent monetary benefits and hence he has filed a writ petition seeking appropriate direction.

4. However, the learned counsel for the respondent submitted that during the pendency of the writ petition, proceedings were initiated on 18.7.2019 by refixing the pay of the petitioner, and arrears have been paid.

5. But the learned counsel for the petitioner submitted that the arrears of the refixation of the petitioner's scale of pay have not been done properly., Even according to the orders passed on 18.7.2019, the petitioner has been considered to be promoted to the post of AG-III(D) only with effect from 22.3.2004 to 20.12.2004.

6. The attention was drawn to the proceedings of the Food Corporation of India dated 10.3.2014, wherein a recommendation has been made to the 2nd respondent to consider the petitioner's promotion with effect from 3.12.2001 on par with his juniors. Subsequently, an order has

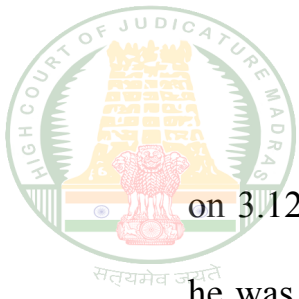


been issued on 7.4.2014 also that the promotion order already issued on 3.12.2001 was neither served nor returned to the zonal office.

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7. A clarification required in the proceedings of the 2nd respondent has been clarified in the letter of the Assistant General Manager on 2.6.2014, wherein it is also stated that there are no details as to why the promotion order letter was not served to the petitioner. In such case, the respondent cannot simply state that the petitioner is entitled to the promotion only in the year 2004 and settle his arrears by reducing his benefit. As the decision to implement the order has already been issued on 3.12.2001, the petitioner is entitled to get his pay fixed in the promotional post with effect from 3.12.2001, and arrears have been fixed to the petitioner along with the consequential service benefits in the promoted post.

8. However, it is seen from the order dated 18.7.2019 that on 3.12.2001 itself the pay has been revised and the petitioner was allowed to draw the salary pertaining to the promoted post for one year, and thereafter a penalty was imposed for stoppage of one increment without cumulative effect from 1.1.2000 to 6.8.2001. Subsequently, adhoc rules were cancelled



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on 3.12.2002. The petitioner was depromoted to the post of Watchman and he was again given with promotion only in the year 2004. However, in the clarification proceedings issued on 2.6.2014, it is stated that the petitioner has been exonerated from all the charges. Since there is an anomaly between the clarification given on 2.6.2014 and the orders issued on 18.7.2019, the respondents have to rework the entitlement of the petitioner by taking into consideration of both the proceedings and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

9. In view of the above stated reasons, the writ petition is **disposed** by directing the respondent to consider the representation of the petitioner in the light of the above observations and pass orders within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

17.04.2025

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order

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R.N.MANJULA, J.

jrs

To

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