



W.P.No.23038 of 2014 & 1795 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.23038 of 2014 & 1795 of 2015

and

W.M.P.Nos.1 of 2014 and 1 of 2015

W.P.No.23038 of 2014

M/s Puducherry Agro Products Foods &
Civil Supplies Corporation Ltd.,
rep by its Managing Director,
Agricultural Complex,
Thattanchavady, Puducherry-605 009.

...Petitioner

Vs.

1. The Presiding Officer
Labour Court, Puducherry.
2. PAPSCO Employees Union
rep by its President,
Agriculture Complex, Thattanchavady,
Puducherry – 605 009.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records relating to the Award dated 23.11.2013 made in I.D.No.20/2003 on the file of 1st Respondent and published in the Gazette of Puducherry dt.25.03.2014 and quash the same.



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For Petitioner : Mr.T.M.Naveen

For Respondents : Court – R1
Mr.P.Manoj Kumar for R2

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W.P.No.1795 of 2015

PAPSCO Employees Union
Agriculture Complex, Thattanchavady,
Puducherry – 605 009 represented by its
President R.Ravi

...Petitioner

Vs

1. The Presiding Officer
Labour Court, Puducherry.
2. The Management,
Puducherry Agro Products Foods &
Civil Supplies Corporation Ltd.,
rep by its Managing Director,
Agricultural Complex,
Thattanchavady, Puducherry-605 009.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus, to call for records relating to the Impugned award of the Labour Court, Puducherry in I.D.No.20/2003 dated 23.11.2013 quash the same in so far as non granting of any relief despite the finding that seniority had been overlooked in promoting the employees and consequently direct the second respondent to re-do the promotions to the post of Junior Assistant on the basis of seniority and grant all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Court – R1
Mr.T.M.Naveen for R2



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COMMON ORDER

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W.P.No.23038 of 2014 is filed by the Pondicherry Agro Products Food and Civil Supplies Corporation Ltd., (in short Corporation) challenging the award passed by the Labour Court in I.D.No.20 of 2003 dated 25.11.2013.

2. W.P.No.1795 of 2015, is filed by the PAPSCO employees Union (for short 'union') challenging the very same order.

3. The order passed by the Labour Court is challenged by the parties for different reasons. The Corporation assails the award passed by the Labour Court on the ground that the promotions that were ordered by the Labour Court is not as per law. The union impugned the award on the ground that the Labour Court did not give due consideration to the issue of promotion though reference was made by the Government only to undertake that exercise.

4. The union, espoused the cause of the casual labourers employed with the Corporation was making several demands like regularisation of services and promotions based on seniority. The disputes were referred to



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conciliation officer. The parties could not reach the settlements and therefore a failure report was given. The Government referred the disputes to the Labour Court for adjudication. Off the four disputes referred, two of the disputes expected the Labour Court to give appropriate direction in the matter of promotions and in the fixation of pay scale. The said reference was taken on file in I.D.No.20 of 2003. The Labour Court on an analysis of the materials placed before it directed the Corporation to promote employee by name Sathyamoorthy to the post of manager and another employee namely Ramasamy to the post of Junior Assistant with all statutory monetary and other benefits as per law.

5. The said direction is assailed by the Corporation on the ground that in the matter of promotion, the policy of the Corporation is that merit is also taken into consideration. In this regard, the learned counsel produced letters of the Corporation dated 01.06.2009 and 17.09.2009. The sum and substance of the above two letters is that in the matters of promotion, possession of essential qualification and merit would be taken into consideration along with seniority,

6. The learned counsel submits that mere seniority alone should



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not be the basis while considering promotions. It is also brought to the notice of this Court that the above two employees are since retired, they have also enjoyed the terminal benefits.

7. Considering the said fact, this Court is of the view that no useful purpose would be served even if this Court comes to a conclusion that the award is bad in law. Therefore, the writ petition filed by the Corporation in W.P.No.23038 of 2014 is closed.

8. As regards W.P.No.1795 of 2015, if the individual employees are aggrieved, it is open to them to approach the appropriate forum and seek appropriate relief. W.P.No.1795 of 2015 stands disposed of.

9. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.02.2025

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Speaking Order : Yes/ No
Index : Yes/ No
NCC : Yes/ No



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M.DHANDAPANI., J.

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To

- 1.The Presiding Officer
Labour Court, Puducherry.
2. The Management,
Puducherry Agro Products Foods &
Civil Supplies Corporation Ltd.,
rep by its Managing Director,
Agricultural Complex,
Thattanchavady, Puducherry-605 009.

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