



WEB COPY

W.A.No. 3110 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

**W.A.No. 3110 of 2024**  
**and**  
**C.M.P.No. 23739 of 2024**

1.The Chairman and Managing Director,  
Madras Fertilizers Ltd.,  
Manali, Chennai - 600 068

2.The General Manager - P & A,  
Madras Fertilizers Ltd.,  
Manali, Chennai ~ 600 068.

... Appellants

Vs.

1.T.Muthu Kumaran,  
Assistant Manager,  
Madras Fertilizers Ltd.,  
Manali, Chennai - 600 068.

2.P.Anbulingam,  
Assistant Manager,  
Madras Fertilizers Ltd.,  
Manali, Chennai - 600 068.

3.P.Umashankar.  
Assistant Manager,  
Madras Fertilizers Ltd.,  
Manali, Chennai ~ 600 068.

4.T.Moorthy,  
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Assistant Manager,  
Madras Fertilizers Ltd.,  
Manali, Chennai - 600 068.

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5. Union of India,  
Rep. by its Secretary to Government,  
Department of Fertilizers,  
Ministry of Chemicals and Fertilizers,  
Government of India,  
Shastri Bhavan, New Delhi - 110 001.

6. The Secretary,  
Department of Personnel and Training,  
Union of India,  
New Delhi~110 001.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 22.02.2024 made in W.P.No.7777 of 2020.

For Appellants : Mr.Jayesh B.Dolia, Senior Counsel  
for M/s.Aiyer & Dolia

For Respondent : Mr.N.Ramesh, Senior Panel Counsel  
for R5 & R6  
Mr.Jothimanian for R1 to R4

### **J U D G M E N T**

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Aggrieved by the order of the writ Court dated 22.02.2024 made in W.P.No.7777 of 2020, the Management is on appeal.



2.Challenge in the writ petition was to the orders directing recovery of over time wages for non-supervisory cadre paid to the respondents 1 to 4 on the ground that they has been promoted to the supervisory cadre with retrospective effect and therefore, they would not be entitled to over time wages. The doctrine invoked by the Management is double benefit, that is, apart from being paid higher salary in the supervisory cadre, the workmen have also been paid over time wages. We had required the learned counsel for the Management to produce the policy of the Management relating to payment of over time wages to persons employed in the supervisory cadre.

3. Mr.Jayesh B.Dolia, learned Senior Counsel appearing for the Management would submit that there is no policy as such but, a person employed in the supervisory cadre, being paid a higher salary will not be entitled to over time wages also. The Management may be justified in its contention, if it is able to demonstrate that double payment has been made. But, in the case on hand, it is conceded that the retrospective promotion was only notional and no monetary benefits were conferred on the workmen concerned, till they were actually promoted to the supervisory cadre. Therefore, the theory of double benefit does not apply. The workmen having worked in the non-supervisory capacity have earned their over time wages.



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The Management at its discretion recalled the over time wages by notionally promoting the workman to the supervisory cadre without any monetary benefit. Hence, we see no reason to interfere with the order of the writ Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

4. The Management will repay the amount recovered from the respective workmen within a period of eight weeks from the date of receipt of a copy of this order. Failing which, the Management will pay interest at 6% on the amount recovered from the date of recovery till date of payment.

(R.S.M., J.) (G.A.M., J.)  
10.03.2025

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Index: No  
Speaking order  
Neutral Citation : No

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**R.SUBRAMANIAN, J.**  
**and**  
**G. ARUL MURUGAN, J.**

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