



W.A(MD)No.1759 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1759 of 2025
and
C.M.P(MD)No.9875 of 2025**

H.Sankarasubramanian

... Appellant /
3rd Respondent

Vs.

1.The Management,
Tamil Nadu Civil Supplies
Corporation Limited,
Represented by its
Regional Manager,
No.3-1-4, Cumbum Road,
Theni.

... 1st Respondent /
Writ Petitioner

2.The Presiding Officer,
Labour Court, Madurai.

3.The Regional Secretary,
Tamil Nadu Civil Supplies
Corporation Limited,
Anna Trade Union (Regd.No.2934/Chennai),
No.3-1-4, Cumbum Road,
Theni.

... Respondents 2 & 3 /
Respondents 2 & 3



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the impugned order passed in W.P(MD)No.2678 of 2012 dated 22.03.2021 passed by this Court and allow the writ appeal.

For Appellant : Mr.P.M.Vishnuvarthanan

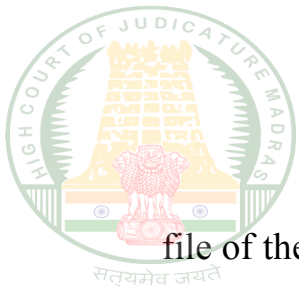
For Respondents : Mr.G.Mohan Kumar for R.1

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant herein joined the Tamil Nadu Civil Supplies Corporation as a watchman on consolidated pay in the year 1977. He was placed in regular time scale of pay as Grade II Watchman on 01.04.1979. After his probation was declared, he was promoted as Grade I watchman on 19.07.1982. 10 years later, on 18.07.1992, he was conferred with selection grade also. The case of the appellant is that he should have been given selection grade with effect from 01.04.1989. It appears that some similarly placed individuals were given such selection grade. Hence, industrial dispute was raised under Section 2(k) of the Industrial Dispute Act, 1947. It was taken on file on I.D.No.63 of 2003 on the



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file of the Labour Court, Madurai. Award was passed in favour of the workman on 18.05.2011. Questioning the same, the Management filed W.P(MD)No.2678 of 2012. The learned single Judge set aside the award of the labour Court on the ground that it was perverse. Aggrieved by the order of the learned single Judge dated 22.03.2021, this writ appeal has been filed.

3.It is an undisputed fact is that the appellant was promoted as Grade I watchman on 19.07.1982. Therefore, selection grade could have been conferred only 10 years thereafter. Merely because some similarly placed individuals were erroneously conferred the benefit, that cannot give the appellant a valid cause of action to claim the very same benefit. It is well settled that there cannot be any equality in the matter of illegality. The order passed by the learned single Judge cannot be faulted.

4.This writ appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
02.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To
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Copy to

The Labour Court,
Madurai.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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