

W.A.(MD)Nos.850, 931, 932, 1123 to 1125 & 1182 of
2020 & 188 to 191 and 193 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)Nos.850, 931, 932, 1123 to 1125, 1182 of 2020, 188 to 191 & 193 of
2021
and
C.M.P.(MD)Nos.4743, 5122, 5123, 6137, 6142, 6145, 6416 of 2021, 584, 589,
590, 592 & 596 of 2021

W.A.(MD)Nos.850 & 1182 of 2020

1.The Regional Manager,
Pudukkottai Region,
Tamil Nadu Civil Supplies Corporation,
Kalyanaramapuram 1st Street,
Pudukkottai.

2.The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Appellants
in both W.As.

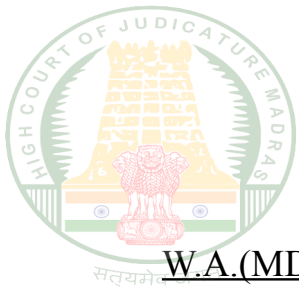
-Vs-

S.Pandidurai

M.Balakrishnan

... Respondent
in W.A.(MD)No.850 / 2020
... Respondent
in W.A.(MD)No.1182/2020

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W.A.(MD)Nos.850, 931, 932, 1123 to 1125 & 1182 of
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W.A.(MD)Nos.931 & 932 of 2020

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1.The Regional Manager,
Dindigul Region,
Tamil Nadu Civil Supplies Corporation,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Appellants
in both W.As.

-Vs-

R.Vengusamy

V.Ravikumar

... Respondent
in W.A.(MD)No.931/2020
... Respondent
in W.A.(MD)No.932/2020

W.A.(MD)Nos.1123 to 1125 of 2020

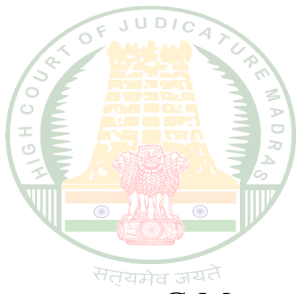
1.The Regional Manager,
Tirunelveli Region,
Tamil Nadu Civil Supplies Corporation,
Maharaja Nagar, St.Thomas Road,
Tirunelveli-627011.

2.The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Appellants
in all W.As.

-Vs-

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2020 & 188 to 191 and 193 of 2021

G.Murugesan

M.Ramadoss

S.Thangavel

W.A.(MD)Nos.188 to 191 & 193 of 2021

1.The Regional Manager,
Madurai Region,
Tamil Nadu Civil Supplies Corporation,
Kuruvikkaran Salai, Anna Nagar,
Madurai-625020.

2.The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Respondent
in W.A.(MD)No.1123/2020

... Respondent
in W.A.(MD)No.1124/2020

... Respondent
in W.A.(MD)No.1125/2020

... Appellants
in all W.As.

-Vs-

R.Perianagarathinam

T.Tamilselvan

A.Ravi

T.Balasubramanian

A.Shanmugasundaram

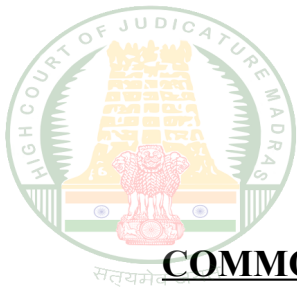
... Respondent
in W.A.(MD)No.188/2021

... Respondent
in W.A.(MD)No.189/2021

... Respondent
in W.A.(MD)No.190/2021

... Respondent
in W.A.(MD)No.191/2021

... Respondent
in W.A.(MD)No.193/2021



W.A.(MD)Nos.850, 931, 932, 1123 to 1125 & 1182 of
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COMMON PRAYER: Appeals filed under Clause 15 of Letters Patent, praying this Court to set aside the orders dated 03.01.2020 made in W.P.(MD)Nos.7165, 7166, 10868, 12149, 10066 to 10068, 9996 to 9998, 9994 and 9995 of 2015 respectively on the file of this Court.

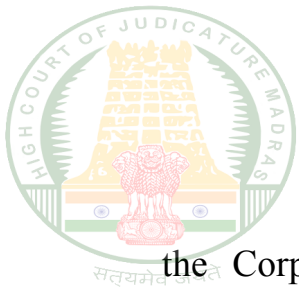
For Appellants : Mr.G.Mohankumar
For Respondent : Mr.N.Tamil Mani
(in all W.As.)

COMMON JUDGMENT

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The intra-Court appeals have been instituted challenging the orders dated 03.01.2020 made in W.P.(MD)Nos.7165, 7166, 10868, 12149, 10066 to 10068, 9996 to 9998, 9994 and 9995 of 2015 respectively on the file of this Court.

2.The Tamil Nadu Civil Supplies Corporation (hereinafter referred to as 'the Corporation') has two wings, namely, administrative wing and technical wing. It is not in dispute that the respondents were initially appointed in the technical wing and their services are governed under the Industrial Standing Orders. 80 workmen served in the technical side were declared as surplus and in order to improve the work efficiency and to avoid retrenchment of these surplus workmen,



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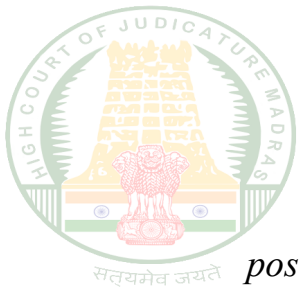
the Corporation has engaged these surplus workmen as Watchman in the administrative side of the Corporation. Though they were accommodated to perform duties of Watchman on administrative side, their salary in the technical side was protected and they were receiving higher salary than that of the salary applicable to the post of Watchman in the administrative wing during the relevant point of time.

3.Finally, administrative decision was taken by the Corporation and the Managing Director issued an order dated 10.04.2008, absorbing these surplus employees of the technical side at the administrative side. The order dated 10.04.2008 was accepted during the relevant point of time by the respondents. The said order shows that the absorption was made based on the following conditions:-

“Accordingly, the Modern Rice Mill Helpers whose names as furnished in the Annexure are ordered to be absorbed into General side with the following conditions:-

1.They will be given pay protection but the time scale of pay will be allowed as applicable to the post of O.A., Watchman and Packer ie., Rs.2550-55-2600-60-3200.

2.Their seniority will be fixed as last in the seniority list of O.A., Watchman and Packer in the Region in which they will be given



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postings.

3.The elevation to the post of Selection Grade / Spl. Grade if any applicable to the posts will be considered in accordance with rules.

4.The services rendered by them in the MRM will be counted only for the purpose of Gratuity.

5.Leave available at their credit as per MRM Standing Orders will be taken into account in General side.”

4.Accepting the above conditions made in proceedings dated 10.04.2008, the respondents have joined in the post of Watchman in the administrative side with pay protection and continued in service.

5.The learned counsel appearing for the appellants would submit that the respondents were promoted to the post of Assistant, Superintendent and some of them have already reached the age of superannuation and retired from service.

6.The learned counsel appearing for the respondents would mainly contend that seniority of these surplus employees is to be reckoned from the date on which they were initially absorbed in the administrative wing. Pertinently, surplus employees of the technical wing were not absorbed but they were asked to



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perform duties of the Watchman, since they were declared as surplus and their pay was protected. Absorption was made in proceedings dated 10.04.2008 with conditions. Therefore, their seniority was taken into consideration from the date of their permanent absorption in the administrative wing in proceedings dated 10.04.2008 and all subsequent promotions were given based on the said seniority.

7.This Court is of the considered view that accepting the proceedings of the Managing Director dated 10.04.2008, the respondents had joined in the post of Watchman in the administrative wing of the Corporation and thereafter, accepted promotions to the post of Junior Assistant, Assistant and Superintendent respectively and some of the employees have already retired from service. Though they have accepted the conditions in the year 2008 and joined in the administrative wing, the Writ Petitions have been instituted in the year 2015 after the lapse of 7 years from the date of their permanent absorption in the administrative wing of the Corporation. Thus, the Writ Petitions are hit by laches and ought to have been rejected *in limini*.

8.After absorption of the respondents on the administrative side, they are governed under the Service Rules applicable to the administrative side and



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therefore, Industrial Standing Orders would have no application and thus, this Court do not find any infirmity in respect of the decision taken by the appellants and the conditions imposed in the absorption order dated 10.04.2008.

9.In view of the fact that the Writ Petitions itself have been instituted after several years, it is liable to be rejected on the ground of laches also. However, the Writ Court has not considered these aspects, including the set of rules applicable to the technical wing and the administrative wing, which are all distinct and different and service conditions are also different.

10.For all these reasons, the orders of the Writ Court dated 03.01.2020 made in W.P.(MD)Nos.7165, 7166, 10868, 12149, 10066 to 10068, 9996 to 9998, 9994 and 9995 of 2015 respectively are set aside and these Writ Appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S, J.] & [A.D.M.C., J.]
19.06.2025

NCC : Yes / No
Index : Yes / No
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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

Yuva

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