



W.P.(MD)No.16270 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16270 of 2022

and

W.M.P.(MD)Nos.11756 & 11761 of 2022

- 1.P.Soorian
- 2.M.Raja
- 3.S.Subburaj
- 4.S.R.Vasudevan
- 5.A.K.Sundar Raj
- 6.M.Pandi
- 7.C.Prakash
- 8.P.Balamurugan
- 9.N.Kumareshan
- 10.C.Santhosh
- 11.S.Sammy
- 12.P.Muthaiah
- 13.D.Gopal
- 14.M.Chandran
- 15.D.Reji Kumar
- 16.A.Anbu
- 17.L.Avadaiyappan

: Petitioners



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Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Youth Welfare and Sports Development,
Fort St. George,
Chennai – 600 009.
- 2.The Deputy Director General,
NCC Directorate (TN, P & AN),
Fort St.George,
Chennai – 9.
- 3.The Deputy Director,
NCC Directorate (TN, P & AN),
Fort St.George,
Chennai – 9.
- 4.The Group Commandor,
NCC Group Head Quarters,
Visalakshipuram,
Madurai – 625 014.
- 5.The Assistant Director,
NCC Group Head Quarters,
Visalakshipuram,
Madurai – 625 014.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Declaration, declaring the action of the respondents 3 to 5 in restricting the extra duty pay of the petitioners for four hours as illegal and consequently for a direction, directing the respondents to grant the extra duty pay for a maximum of 16 hours (ie., 8 hours for actual duty plus 8 hours extra duty) to the petitioners within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
for M/s.Roy & Roy Associates
For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a declaration to declare the action of the respondents 3 to 5 in restricting the extra duty pay of the petitioners for four hours as illegal and consequently seeking for a direction to direct the respondents to grant the extra duty pay for a maximum of 16 hours (ie., 8 hours for actual duty plus 8 hours extra duty) to the petitioners within the time to be fixed by this Court.

2.The petitioner claims that they are ex-servicemen and they had earlier served in the Indian Army for several years before



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retiring from service. The petitioners claim that they are working as Drivers in National Cadet Corps, Madurai Group after being sponsored through Tamil Nadu Ex-Servicemen's Corporation Limited (TEXCO). The petitioner's grievance in this Writ Petition is that the respondents 3 to 5 are restricting the extra duty pay of the petitioners by restricting it to 4 hours only instead of granting the extra duty pay to the petitioners for a maximum of 16 hours [8 hours for actual duty + 8 hours extra duty]. The petitioners had given a representation before filing this Writ Petition to the respondents seeking for the relief sought for in this Writ Petition.

3. Admittedly, the said representation was not considered by the respondents but however, in the counter affidavit filed before this Court, the respondents state that they are not entitled for the same.

4. Learned Counsel for the petitioner is also satisfied if the petitioners are permitted to give a fresh representation seeking for the very same relief that is sought for in this Writ Petition and a direction is issued to the respondents to consider the same on merits and in accordance with law within a time frame to be fixed by this Court.



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5.No prejudice will be caused to the respondents if such a direction is issued by this Court. This Court is not expressing any opinion on the merits of the petitioner's contentions.

6.Accordingly, this Court directs the petitioners to submit a fresh representation to the competent authority for payment of extra duty pay as prayed for in this Writ Petition within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the said representation, within the stipulated time, the competent authority to pass final orders on merits and in accordance with law within a period of twelve [12] weeks, thereafter.

7.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.09.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR

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5.The Assistant Director,
NCC Group Head Quarters,
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ABDUL QUDDHOSE., J.

MR

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