



W.P.(MD) No.9495 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.9495 of 2018

and

W.M.P.(MD) No.8747 of 2018

Tamilnadu Civil Supplies
Corporation Employees Union,
Rep., by its State President,
Mr.M.Pechimuthu,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Petitioner

Vs.

1.Tamilnadu Civil Supplies Corporation,
Rep., by its Managing Director,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

2.The Regional Manager,
Tamilnadu Civil Supplies Corporation,
No.9F Saint Thomas Road,
Maharaja Nagar, Tirunelveli-627 011.

3.The Presiding Officer,
Labour Court,
Tirunelveli, Tirunelveli District.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the order passed in I.D.No.76/2015 dated 04.07.2016 on the file of the 3rd respondent and quash the same as illegal and consequently direct the 1st and 2nd respondents to promote the aforementioned workmen with retrospective effect along with appropriate fixation of pay, arrears of salary, continuity in service and all other consequential benefits.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.G.Mohankumar – for R1 & R2

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to and in connection with the order dated 04.07.2016 passed in I.D.No.76 of 2015, whereby the dispute raised by the petitioner-Union was rejected by the learned Labour Court.

2. The issue that arose for consideration before the learned Labour Court is as follows:

“Whether the demand of the Union that its members who have completed one year of service as



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Assistants viz., 1. K.Manikandan, 2. P.Manju, 3.P.Muthu Krishnan, 4. R.Sekar and 5. S.Meeran Mohideen, ought to be given promotion to the post of Superintendent with retrospective effect with appropriate fixation of pay, arrears of salary, continuity in service and all other consequential benefits is justifiable? If so, to issue appropriate orders.”

3. The basis for the claim made by the Union in the industrial dispute in question is basing upon a resolution said to have been passed by the Board of the respondent-Corporation proposing to reduce the requirement of four years service experience for promotion to the post of Category-III from the post of Assistant to one year. It is an admitted fact that the said resolution passed by the Board of the respondent-Corporation was sent for approval to the State of Tamil Nadu and the State of Tamil Nadu, in turn, suggested for fixing two years service experience as criteria instead of one year as proposed by the respondent-Board. It is pursuant to the said suggestion, once again the respondent-Board passed resolution accepting the suggestion made by the State and accordingly, a fresh resolution was passed and in terms of the said resolution, the service regulations of the respondent-



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Corporation also was amended fixing the two years service in the category of Assistant for promotion to the post of Category-III.

4. Neither the subsequent resolution passed by the respondent-Corporation, nor the amended service regulations is under challenge. However, the petitioner-Union raised a dispute claiming for promotion to the post of Superintendent with retrospective effect to all its members, who have completed one year of service as Assistant. In the absence of any challenge to the subsequent resolution passed by the Board of the respondent-Corporation and the amended service regulation, the claim made by the petitioner-Union cannot be entertained, as in case, if such a claim is acceded to, the same would amount to violating the regulations, which is the law governing the service conditions of the employees of the respondent-Corporation.

5. The learned Labour Court having appreciated the contentions raised by the petitioner, has rightly come to the conclusion that the initial resolution that was passed by the Board of the respondent-Corporation has



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not attained finality and the service regulations were amended otherwise and declined to accede to the claim made by the petitioner-Union.

6. This Court, after hearing the learned counsel for the petitioner at length and also perusing the entire material, including the impugned order, does not find any error, illegality or perversity in the impugned order passed by the learned Labour Court and finds that it is not a fit case for exercising the certiorari jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes

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MUMMINENI SUDHEER KUMAR, J.

ABR

To

- 1.The Managing Director,
Tamilnadu Civil Supplies Corporation,
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Kilpauk, Chennai-600 010.
- 2.The Regional Manager,
Tamilnadu Civil Supplies Corporation,
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