



W.A.No.303 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.A.No.303 of 2022

Pondicherry Pasic Technical Employee Association
(Reg.No.908/RT094)

Represented by its President

N.Kothandapani

A2, 1st Floor, R.P.Apartment

Sringari Magam Street,

Sivaganga Nagar, Ellapillachavadi

Puducherry – 605 005.

... Appellant

vs.

1. The Managing Director
Pondicherry Agro Service and Industries Corporation Ltd.,
Thattanchavadi
Puducherry – 605 009.

2. Union of India
Rep. By its Chief Secretary to Government
Government of Pondicherry.

3. The Secretary to Government
Agricultural Development
Government of Pondicherry.

... Respondents

Page Nos.1/7



W.A.No.303 of 2022

Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 02.11.2021 passed in W.P.No.30034 of 2011 and thereby, allow this writ appeal filed by the appellant.

For Appellant : Mr.K.Sasindran
For Respondents : Mr.T.M.Naveen, for R1
Dr.B.Ramaswamy
Additional Government Pleader (Pondicherry)
for R2 and R3

J U D G M E N T

The writ order dated 02.11.2021 passed in W.P.No.30034 of 2011 is under challenge in the present intra-Court appeal.

2. The writ petitioner is the appellant before this Court. The appellant is the Pondicherry Pasic Technical Employees Association, a registered Association. The members of the appellant Association are employees serving in Pondicherry Agro Services and Industries Corporation Limited, a Corporation wholly owned by the Government of Pondicherry

3. The cause for issuance of the impugned order for correction of erroneous pay and cancellation of illegal promotions as stated in the counter affidavit filed in the writ petition by the Corporation, would show that the then political chairman Mr.A.Elumalai, MLA and the Managing Director



W.A.No.303 of 2022

of the Corporation Mr.Prabakaran, had allegedly (i) convened incomplete, incompetent, illegal and invalid Board meetings without even quoram; (ii) completely ignored the PASIC (Staff Service) Rules, 1988 and the Recruitment Rules; and (3) given promotions, upgradations, replacements, scales, redesignation, double increments etc., to ineligible individual employees. Thus, the authorities subsequently found that such actions are beyond the scope of their power, authority and jurisdiction.

4. The counter affidavit would further reveal that Mr.Elumalai MLA was appointed as the Chairman of the Corporation and immediately, without any recruitment, the then Chairman along with the then Managing Director have engaged 1558 persons on daily rated and voucher paid basis and was paying huge amounts every month towards wages to them.

5. Further, they have ignored Article 96 of the Memorandum and Articles of Association of the Corporation and convened a Board Meeting with the then Chairman and the Managing Director and a non-official nominated member on 30.09.2010 and 30.12.2010. In view of the large scale illegalities, violation of service rules and grant of benefits to employees, action was initiated to undo the illegal actions made by the then chairman with the assistance of the then Managing Director. Resolutions were passed cancelling the illegal promotions, erroneous fixation of scale of



W.A.No.303 of 2022

pay, redesignation, upgradation granted in violation of service rules etc.,

Challenging the decision taken to undo the said illegal actions, proceedings dated 27.05.2011 came to be challenged in the writ petition by the Appellant association. The writ Court declined to grant the relief. Thus, the present writ appeal came to be instituted.

6. The learned counsel for the petitioner would mainly submit that cancellation if at all had been done, it ought not to have been implemented retrospectively with effect from the year 2006. That apart, the writ petition has been filed challenging the common order cancelling the promotions, fixation of pay etc., and therefore, the Association can maintain a writ petition.

7. This Court disagree with the arguments advanced in this regard on behalf of the appellant.

8. Admittedly, promotions and fixation of pay are individual grievances of the employees. Even before the writ Court, the said ground was raised by the respondent Corporation. In service jurisprudence, personal grievances of employees must be raised by the aggrieved individual employees and Association cannot maintain a writ petition in respect of promotions granted to individuals as well as fixation of pay. Promotions and fixation of pay are granted based on the service particulars



W.A.No.303 of 2022

of the individuals and considering the merits, pendency of the disciplinary proceedings and other factors and therefore, a common writ petition by an Association is not maintainable.

9. The writ Court has elaborately considered the merits and found that the promotions granted as well as the fixation of pay are in violation of service rules. Large scale illegalities were identified in the matter of grant of promotions, appointments and fixation of pay etc., Thus, the Corporation has initiated the action to undo the illegalities occurred at the instance of the then chairman Mr.Elumalai, MLA in collusion with the then Managing Director Mr.Prabakaran even without quorum and resolutions after resolutions were passed appointing the employees on daily wages illegally and grant of promotions to the employees already in service. All such illegalities were eliminated by passing subsequent resolution.

10. Be that as it may, this Court is of the considered view that if at all any individual employee is aggrieved from and out of the cancellation of promotion or refixation of pay, he has to submit his application in his individual capacity based on his / her service particulars. However, the Association cannot maintain a writ petition in respect of promotions granted to individuals as well as the fixation of pay.



W.A.No.303 of 2022

11. Granting liberty to individuals to raise their grievances regarding cancellation of promotions and refixation of pay in their individual capacity, the writ order impugned stands confirmed and consequently, Writ Appeal stands dismissed.

12. However, this Court has not adjudicated upon the merits of individual cases and therefore, the authorities, on receipt of application, shall consider the same on its own merits and in accordance with the service rules applicable to the employees. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
03-03-2026

Index : Yes
Neutral Citation : Yes / No
Speaking

mk

To

1. The Managing Director
Pondicherry Agro Service and Industries Corporation Ltd.,
Thattanchavadi
Puducherry – 605 009.
2. Union of India
Rep. By its Chief Secretary to Government
Government of Pondicherry.
3. The Secretary to Government
Agricultural Development
Government of Pondicherry.

Page Nos.6/7



WEB COPY



W.A.No.303 of 2022

**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

mk

W.A.No.303 of 2022

03.03.2026

Page Nos.7/7