



W.A.(MD)No.874 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.874 of 2022
and
C.M.P.(MD)No.7191 of 2022**

1.The Chief Executive Officer,
Tamilnadu Khadi and Village Industries Board,
Kuralagam,
Chennai - 600 108.

2. The Assistant Director,
Khadi and Village Industries,
Siluvathur Road,
Dindigul.

... Appellants

Vs.

1.N.Anbarasan

2.The Secretary to Government,
Tamilnadu Khadi and Village Industries Board,
Fort St. George,
Chennai - 600 009.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.15967 of 2014 dated 24.02.2022 on the file of this Court.



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For Appellants : Mr.C.Rajakumar

For Respondents : Mr.A.Baskaran,
Addl. Government Pleader for R2.
Mr.J.Lawrance for R1

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The Khadi Board has filed this intra-court appeal challenging the order dated 24.02.2022 passed by the learned Single Judge in W.P.(MD)No.15967 of 2014 filed by the first respondent herein.

3.The first respondent / writ petitioner joined the Khadi Board as Beefieldman in the year 1988. He was thereafter promoted as Apiarist. During the relevant time, there was shortage of staff in the soap making section. Since the writ petitioner was possessing B.SC. Chemistry qualification, he was deputed as Technician (Soap Chemist). He worked as Technician (Soap Chemist) from 10.06.2002 to October, 2022. The



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learned counsel for the writ petitioner would claim that citing his deputation and qualification, cosmetic license was also obtained.

4.The only demand made by the writ petitioner is that he should be paid salary that is attached to the post of Technician (Soap Chemist). Since his request was rejected, the aforesaid writ petition came to be filed. The learned Single Judge vide order dated 24.02.2022 disposed of the writ petition in the following terms:-

“6. It is seen from the records that the petitioner was appointed as Beefield man and then promoted as Apiarist Grade-III. The petitioner was granted Selection Grade Apiarist Grade-III from 13.05.2003 onwards. The petitioner was also granted Special Grade on 13.05.2013. The contention of the petitioner is since he has been deputed to Soap Chemist post in Vedapatti Unit, he is entitled to be regularized in Soap Chemist post based on his educational qualification. The petitioner was granted Selection Grade in the year 2003, which means without promotion he was working in the same post for more than ten years. Thereafter, the petitioner was granted Special Grade on 13.05.2013. The petitioner either can claim promotion to Soap Chemist post or he can claim Selection Grade and Special Grade. Since the Selection Grade and Special Grade are



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granted to the petitioner, he is not entitled to promotion to the Soap Chemist post. The selection grade is granted if the employee is stagnating in the same post without any promotion for 10 years and special grade is granted if the employee is stagnating in the same post without any promotion for 20 years. Therefore, the petitioner cannot claim promotion.

7. The claim arises because the petitioner was deputed to Soap Chemist post. According to the respondents, if the claim is accepted then the entire Apiarist will claim for the same relief and for the Administration would be difficult. But the petitioner contented that there is no other Apiarist in the Khadi Unit with the qualification, therefore, this will not affect the Administration. This contention cannot be agreed because if the Rule permits only then, it can be considered. The petitioner relied on proviso stating that the proviso is allowed, if there is any eligible persons in the category for which the selection has made and the same shall be considered.

8. This Court is of the considered opinion that the eligible candidate in the Apiarist category can be considered, only if there is any panel prepared for the Apiarist and the petitioner cannot be considered independently. The respondents may consider the claim of the petitioner along with the other Apiarists, who has qualification with necessary experience. If the qualification and other experience are there, if service rules provide to such promotion, then the petitioner's claim may be



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considered. As rightly pointed out by the respondents the petitioner was initially appointed as Beefieldman, the Bee Unit is not functioning profitably and the petitioner was deputed to Soap Unit in order to protect in employment. The petitioner cannot claim promotion dehors rules and other eligible claimants.

9. The next claim of the petitioner is that he was working as Soap Chemist but he is receiving the salary of Apiarist. It is seen from records prior to 2009, the salary payable to Soap Chemist is lesser than the salary payable to Apiarist. Therefore, the petitioner would be eligible for the pay protection from 2009 onwards. On 2009 onwards, under G.O.Ms.No.234, the pay scale applicable to Soap Chemist is higher. According to the respondents, the petitioner's higher pay scale in Soap Chemist is from 01.08.2010 but according to the petitioner it ought to be revised from 01.06.2009, based on the Government Order. Therefore, this Court is of the considered opinion that the petitioner is entitled to the pay scale applicable to Soap Chemist from 01.06.2009 onwards. Therefore, this Court is directing the respondents to pay the Soap Chemist salary from 01.06.2009 onwards. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order”

5.The only question that calls for consideration is whether the order passed by the learned Single Judge warrants interference.



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6.The learned Single Judge had only held that the writ petitioner should be paid the salary attached to the post in which he was working. We do not find any ground to interfere with such a direction. There is no merit in this writ appeal and it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
08.01.2026

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

The Secretary to Government,
Tamilnadu Khadi and Village Industries Board,
Fort St. George, Chennai - 600 009.



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