

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.16655 of 2015

- 1.B.Mageswari
- 2.K.Saravanan
- 3.N.Jothi
- 4.M.Kalaivani
- 5.S.Uma Mageswaran
- 6.R.Venkataraman
- 7.S.Karthikeyan
- 8.S.Gunasekaran
- 9.K.Sekar
- 10.R.D.Gowri
- 11.M.Dhandapani
- 12.R.Jayalakshmi
- 13.R.Sekar
- 14.G.Babu
- 15.S.Manjula
- 16.D.Kumar

...Petitioners

vs.

- 1 The Registrar of Co-operative Societies Kilpauk E.V.R.Buildings Chennai-600 010.
- 2 The Joint Registrar of Co-operative Societies Thiruvallur Region Thiruvallur.
- 3 The Deputy Registrar of Co-operative Societies Thiruvallur Circle Thiruvallur.
- 4 The Managing Director Thiruvallur District Consumer Co-operative Wholesale Stores Limited 155/5 J.N.Road Thiruvallur District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to regularise the services of the petitioners under the 4th respondent herein with effect from the date they complete 480 days of continuous service in two calendar years.

For Petitioners : Mr.V.Vijay Shankar

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader

O R D E R

Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader takes notice for the respondents.

2.The petitioners are all employees in the fourth respondent, namely, the Thiruvallur District Consumer Co-operative Wholesale Stores Limited, Thiruvallur District. According to them, they joined service either during the year 1999 or 2000 or 2001, as stated in paragraph No.3 of the affidavit filed in support of this writ petition. The petitioners were all regularized in the year 2008 and granted time scale of pay and prior to that, they were all paid on the basis of daily wages.

3.The grievance of the petitioners is that, they should have been regularized and granted time scale of pay on completion of 480 days of continuous service in two calendar years. Hence, the petitioners approached the Inspector of Labour who is the competent authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act 1981. The aforesaid authority after hearing both sides, passed an order on 25.07.2014, directing the fourth respondent to regularize the services of the petitioners and to grant them time scale of pay on completion of 480 days of continuous service in two calendar years.

4.In this regard, the petitioners made a representation dated 26.07.2014 to the respondents and since, no order is passed by the fourth respondent as directed by the competent authority, the petitioner is before this Court with this writ petition seeking appropriate direction to the respondents.

5.Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents.

6.The learned counsel for the petitioners submits that the writ petition could be disposed of directing the fourth respondent to submit proposals for regularization of service of the petitioners in terms of the aforesaid order dated 25.07.2014 of the

competent authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act 1981, to the first respondent and the first respondent could be directed to pass an order thereon, within a stipulated period.

7. In view of the narrow prayer made, the writ petition is disposed of with a direction to the fourth respondent to send proposals based on the order dated 25.07.2014 passed by the Inspector of Labour, referred to above, relating to the regularization of services of the petitioners, to the first respondent, within a period of eight weeks from the date of receipt of a copy of this order and on such proposal being received, the first respondent is directed to pass orders on the same, within a period of six weeks thereafter. No costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

jbm

To

- 1 The Registrar of Co-operative Societies Kilpauk E.V.R.Buildings Chennai-600 010.
- 2 The Joint Registrar of Co-operative Societies Thiruvallur Region Thiruvallur.
- 3 The Deputy Registrar of Co-operative Societies Thiruvallur Circle Thiruvallur.
- 4 The Managing Director Thiruvallur District Consumer Co-operative Wholesale Stores Limited 155/5 J.N.Road Thiruvallur District.

1 CC to Mr.V.Vijay Shankar, Advocate SR.No. 29068

1 CC to the Government Pleader, SR.No. 29269

W.P.No. 16655 of 2015

VSN (CO)

PSI (17.06.2015)