

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29990 of 2015

and

M.P.No.1 of 2015

S.Manicam

... Petitioner

vs.

1. The Principal Secretary/
Sugar Mill Department Commissioner,
Government of Tamil Nadu,
No.690, Annasalai, Nandanam,
Chennai-600 035

2. The Managing Director,
Dharmapuri District Co-operative
Sugar Mill Limited,
Palacode, Dharmapuri-636 808

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to consider the proposal of the 2nd respondent Na.Ka.No.5551/07-C, dated 14.11.2013 and issue necessary order relaxing the petitioner age for appointing him on permanent basis to the post of "Cane Assistant" in Dharmapuri District Co-operative Sugar Mill Ltd.

For petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.R.Balaramesh,A.G.P.

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, after completing diploma in Agriculture, joined the service of Dharmapuri Co-operative Sugar Mill Limited as Cane Assistant on daily rated basis ever since 2012 and on account of his long period of service, he is entitled to be declared as a permanent workman in terms of Tamil Nadu Industrial Establishment (Conferment of permanent status to workmen) Act, 1981. In this regard, the petitioner has also made request to the second respondent. The name of the

petitioner was also sponsored by the jurisdictional employment exchange on 6.8.2012 for filling up the vacant post of 'Cane Assistant' in the above said sugar mill. During certificate verification, it was found that the petitioner was over aged. Therefore, the second respondent made a positive recommendation to the first respondent, vide letter Na.Ka.No.5551/07-C dated 14.11.2013 and though it was received by the first respondent, no orders have been passed and hence, the petitioner came forward to file this writ petition.

3. Heard the submissions of the learned counsel for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the same, directs the first respondent to consider the proposal of the second respondent dated 14.11.2013 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

msk

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Secretary/
Sugar Mill Department Commissioner,
Government of Tamil Nadu,
No.690, Annasalai, Nandanam,
Chennai-600 035

2. The Managing Director,
Dharmapuri District Co-operative
Sugar Mill Limited,
Palacode, Dharmapuri-636 808

+1 C.C. To P.R.THIRUNEELAKANDAN, Advocate in SR.NO.52071

+1 C.C. To MR.R.BALA RAMESH, Advocate in SR.NO.52274

+1 C.C. To Government Pleader in SR.NO.52167

W.P.No.29990 of 2015

SP(CO)

sd : 08/10/2015



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