

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32331 of 2015

And

M.P.No.1 of 2015

K.S.Mani

... Petitioner

Vs.

1 The Commissioner for Milk
Production and Dairy Development, Madhavaram
Milk Colony, Madhavaram, Chennai.

2 The General Manager,
The Erode District Cooperative Milk
Producers Limited,
Vasavi College Road,
Erode.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to promote the appoint the petitioners as Lab Technician and provide backwages as per the order passed in I.D.No.146 of 2010 on the file of Labour Court Salem dated 09.04.2015.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.R.Bala Ramesh

Additional Government Pleader (Co-op)

O R D E R

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

2.The petitioner would claim that he along with others were appointed by the second respondent and their services were regularised as Junior Factory Assistant in the year 1992 and got further promotion as Senior Factory Assistant. The grievance expressed by the petitioner is that though he was promoted as Senior Factory Assistant, the respondent did not promote him as Lab Technician despite there exists sufficient number of vacancies. It is the claim of the petitioner that he worked as

Lab Technician for more than 18 years and in this regard, the petitioner and other through their union raised Industrial Dispute in I.D.No.146 of 2010 on the file of the Labour Court, Salem and vide order dated 09.04.2015, the Labour Court has directed them to regularise their services as Operators and also pay them salary as well as the arrears. The union in which the petitioner claims to be a member, has also submitted a representation dated 29.08.2015 to the second respondent Management to comply with the above said orders passed by the Labour Court and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.R.Nalliyappan, learned counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader (Co-operatives) who accepts notice on behalf of the respondents.

4.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 29.08.2015 on merits and in accordance with law and pass orders within a period of six 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. Consequently, the connected miscellaneous petition is also closed.

pri

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner for Milk
Production and Dairy Development, Madhavaram
Milk Colony, Madhavaram, Chennai.
- 2 The General Manager,
The Erode District Cooperative Milk
Producers Limited,
Vasavi College Road,
Erode.

+ 1 cc to Mr.R.Nalliyappan, Advocate SR 55820

+ 1 cc to Mr.Bala Ramesh, Advocate SR 56085

+ 1 cc to Govt.Pleader SR 56013

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