

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.33070/2015 & MP.No.1/2015

1.S.M.Sundarajan

2.K.R.Palanisamy

..Petitioners

Versus

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

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

..Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the 2nd respondent to promote and appoint the petitioners as Lab Technicians and provide back wages as per the order passed in ID No.49/2010 on the file of the Labour Court, Salem dated 09.04.2015.

For Petitioners	:	Mr.R.Nalliyappan
For Respondents	:	Mr.R.Bala Ramesh, Addl. Govt. Pleader [Coop]

ORDER

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

2 The petitioners were appointed as Junior Factory Assistants and their services were regularised in the year 2000 and subsequently, they were promoted as Senior Factory Assistants in the year 2001 and despite the existing vacancies, the petitioners were not promoted as Lab Technicians since from the year 2001 onwards. They filed ID.No.49/2010 before the Labour Court, Salem, praying for promotion to the post of Lab Technician from January 2001 and also to provide back wages along with interest and cost. The Labour Court, Salem, vide Judgment dated 09.04.2015 allowed the said application by directing the respondents to promote the petitioners as Machine Operators from January 1990 with back wages. The 2nd respondent, vide impugned proceedings, is proposed to fill up the five

existing Lab Technician Post by direct recruitment. The grievance expressed by the petitioners is that in spite of the Award dated 09.04.2015 made in ID.No.49/2010 passed by the Labour Court, Salem, they have not been conferred with the benefits. In this regard, they have submitted a representation dated 29.08.2015 to the 2nd respondent and since no orders have been passed, they came forward to file this writ petition.

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

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioners' representation dated 29.08.2015 on merits and in accordance with law after taking note of the above said Award dated 09.04.2015 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

5 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR(J)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

To

1.The Commissioner for Milk Production &
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.NO. 56899

CO-CNR
JD 17/11/2015

WP.No.33070/2015