



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

W.A(MD)No.869 of 2015

P.Chellamuthu

..Appellant/Petitioner

Vs.

1.The Tamil Nadu Newsprint and Papers Limited,
Rep. by its Chairman/Managing Director and
The Secretary to Government
Industries Department
67, Mount Road, Guindy, Chennai-600025

2.The Deputy General Manager,
Human Resource Department
Tamil Nadu Newsprint and Papers Limited,
Kakithapuram - 639136
Karur District.

3.R.Saravanan

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.(MD) No.9834 of 2015 dated 17.06.2015.

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the Respondents to permit the petitioner to continue the work till attaining the age of 60 years by way of superannuation in par with the Memorandum of settlements dated 30.06.2012 and 17.04.2014 between the recognized trade unions and the respondents 1 and 2.

For Appellant : Mr.N.Subramani

For Respondent No.1 : Mr.M.P.Senthil

For Respondents Nos.R2 & R3 : No Appearance

JUDGMENT

(Judgment of the Court was delivered by **S.NAGAMUTHU, J.**)

The appellant is the contract labour employed through the third respondent Contractor under the Tamil Nadu Newsprint and Papers Limited. The appellant filed W.P.(MD)No.9834 of 2015 seeking a direction to the respondents to permit him to continue his work till he attains the age of 60 years of age as per the settlement dated 30.06.2012 and 17.04.2014. The learned single Judge by order dated 17.06.2015 dismissed the writ petition holding that the petitioner is not an employee directly under the first respondent and therefore, the settlements are not applicable to



him. Challenging the same, he has come up with this writ appeal.

2. This writ appeal has come up today for admission.

3. We have heard the learned counsel for the appellant and the learned counsel for the respondents 1 and 2.

4. A perusal of the record would go to show that the appellant is admittedly not an employee directly under the first respondent. He is only a contract employee and the settlements dated 30.06.2012 and 17.04.2014 are applicable only to the employees, who are employed directly by the first respondent.

5. The learned single Judge has given sound reasons for having come to the conclusion that the appellant is not entitled for continuation of his work till the age of 60 years, as he is only a contract employee under the third respondent. In paragraph No.6, the learned Judge has held as follows:

"6.The issue raised in this writ petition is to permit the petitioner to continue till the age of 60 and not pertaining to abolition of contract labourers. Whether the petitioner has to continue till the age 60 is to be decided by the Contractor and not by the Tamil Nadu Newsprint and Papers Limited. Even a writ to abolish the contract labour is not maintainable as special mechanism is provided under this 1970 Act for abolition of contract labour system. Therefore, the writ petition against the contractor/private party will not lie. I find no merits in the writ petition and the same is liable to be dismissed."

We are in full agreement with the view taken by the learned single Judge and we do not find any reason to interfere with the same. Accordingly, the writ appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

RR

To

1.The Tamil Nadu Newsprint and Papers Limited,
Rep. by its Chairman/Managing Director and
The Secretary to Government
Industries Department
67, Mount Road, Guindy, Chennai-600025

2.The Deputy General Manager,
Human Resource Department
Tamil Nadu Newsprint and Papers Limited,
Kakithapuram-639136, Karur District.
+1CC to Mr.N.Subramani ADV.SR.No.45533
+1CC to Mr.M.P.Senthil ADV.SR.No.44969

Judgment MADE IN
W.A (MD) No.869 of 2015
Dated: 07.08.2015