



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 23.07.2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.11026 of 2015
and
M.P.(MD)No.1 of 2015

R.Gurusamy ... Petitioner

Vs

1.The Tamil Nadu Newsprint and Papers Limited,
represented by its Chairman/Managing Director
and The Secretary to Government,
Industries Department,
67, Mount Road,
Guindy, Chennai-600 025.

2.The Deputy General Manager,
Human Resource Department,
TamilNadu Newsprint and Papers Limited,
Kakithapuram-639 136,
Karur District.

3.M/s Updater Services (P) Ltd.,
No.7 Sakthi Garden,
Rajivi Gandhi Road,
Doraipakkam,
Chennai-600 096.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to 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 Petitioner ... No Appearance

For Respondents ... Mr.M.P.Senthil
for R.1 & R.2
... Mr.K.Bhaskaran
for R.3

ORDER

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to 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.

2.The learned Counsel for the petitioner is absent today. Heard the learned Counsel for the respondents 1 and 2 and the learned Counsel appearing for the third respondent.

3.The issue raised in this writ petition is covered by a recent judgment of this Court in W.P.(MD)No.9834 of 2015, dated 17.06.2015 and the following order is passed:

"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 machanism 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.

Accordingly this writ petition is dismissed. No costs. Consequently, connected M.P.(MD)No.1 of 2015 is also dismissed."

4.In view of the same issue as raised by this petitioner is considered in W.P.(MD)No.9834 of 2015 and the writ petition is dismissed, the present writ petition is also liable to be dismissed.

5.Accordingly the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

ssl

To

1.The Chairman/Managing Director and The Secretary to Government,
The Tamil Nadu Newsprint and Papers Limited,
Industries Department, 67, Mount Road,
Guindy, Chennai-600 025.

2.The Deputy General Manager,
Human Resource Department,
TamilNadu Newsprint and Papers Limited,
Kakithapuram-639 136,
Karur District.

+3cc to M/s.K.Bhaskaran, Advocate, SR.No.41020.

+1cc to Mr.M.P.Senthil, Advocate, SR.No.40977

Writ Petition (MD) No.11026 of 2015
and M.P. (MD)No.1 of 2015
23.07.2015