

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35822 of 2016

And

W.M.P.No.30768 of 2016

K.Boobalan

... Petitioner

Vs.

1 The Government of Tamil Nadu
Rep by Secretary to Government,
Milk and Diary Development Department,
Chennai – 600 009.

2 The Managing Director
Tamil Nadu Cooperative Milk,
Producers Federation Ltd.,
Nandanam, Chennai – 600 035.

3 The Deputy General Manager,
Tamil Nadu Cooperative Milk,
Producers Federation Ltd.,
Ambattur Diary,
Chennai – 600 098.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to confirm the petitioner as a permanent staff of factory assistant and bring the petitioner and her time scale and all also grant monetary service benefits to the petitioner from the year 2006 onwards.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.L.P.Shanmugha Sundaram for R1
Special Government Pleader
Mr.T.K.Ashok Kumar for R2 and R3

ORDER

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

2.The present writ petition has been filed seeking a Mandamus directing the second respondent to confirm the petitioner as a permanent staff of Factory Assistant and bring the petitioner under time scale and all also to grant monetary service benefits to the petitioner from the year 2006 onwards.

3.The petitioner would state that he is working as a daily wage cum casual employee in the post of Factory Assistant under the respondents 2 and 3 Milk Federation Limited situated at Ambattur Dairy Farm from the year 1996 onwards and till today, he has put in more than 20 years of service. The petitioner's daily work is to pack the milk and other dairy products and to place them for orders to the needed consumers. The petitioner has studied upto X Standard and has also registered his name in the Employment Exchange.

4.The petitioner would further state that the respondents 2 and 3 are deducting his salary for provident fund and he was also paid

bonus every year. He would further state that the respondents have utilized his service for the past 20 years without making him permanent and bringing his service under time scale of pay and the said act is arbitrary, irrational and also against their own guidelines issued by the Government of Tamil Nadu Personal and Administrative Reforms Department in G.O.No.74, dated 27.06.2013. The petitioner in this regard, made representation to the respondents but the same was not considered so far. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner, the learned Special Government Pleader who takes notice for the first respondent and the learned counsel who takes notice for the respondents 2 and 3.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a fresh representation along with a copy of this order to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation and pass

R.SUBBIAH,J.

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appropriate orders, on merits and in accordance with law, within a

period of six weeks thereafter.

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

07.10.2016

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Index: Yes/ No

Internet: Yes/ No

To

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