

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40527 of 2016
and
W.M.P.No.34551 of 2016

P.A.Perumal ... 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 Co-operative Milk,
Producers Federation Ltd.,
Nandanam, Chennai - 600 035.
3. The Deputy General Manager,
Tamil Nadu Co-operative Milk,
Producers Federation Ltd.,
Ambattur Diary,
Chennai - 600 098.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to confirm the petitioner as a permanent staff of factory assistant and bring the petitioner and his time scale and also grant monetary service benefits to the petitioner from the year 2013 onwards.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.K.Dhananjayan,
Spl. G.P., for -R1

: Mr. T.K.Ashok Kumar,
for R2 & R3

ORDER

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

2. The petitioner has come up with the present writ petition for a Writ of Mandamus, directing the second respondent to confirm the petitioner as a permanent staff of Factory Assistant and bring the petitioner under time scale and also grant monetary service benefits to the petitioner from the year 2013 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 2003 onwards and till today, he has put in more than 13 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 10th 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 13 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 facts and circumstances 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 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, connected miscellaneous petition is closed.

Mrp

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Milk and Diary Development Department,
Chennai- 600 009.
2. The Managing Director,
Tamil Nadu Co-operative Milk,
Producers Federation Ltd.,
Nandanam, Chennai - 600 035.
3. The Deputy General Manager,
Tamil Nadu Co-operative Milk,
Producers Federation Ltd.,
Ambattur Diary, Chennai - 600 098.

+ 1 cc to Mr.T.K.Ashok Kumar, Advocate Sr 67319

+ 1 cc to Mr.S.Venkatesh, Advocate Sr 67035

KR/12/1/17

W.P.No.40527 of 2016

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