

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

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THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.41299 OF 2016

J.Soundararajan

.. Petitioner

-Vs.-

1. The Chairman,  
Tamil Nadu Civil Supplies Corporation  
Limited, Chennai-10.

2. The Regional Manager,  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Dharmapuri Region, Dharmapuri.

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to post the petitioner as Watchman in the Dharmapuri Region of Tamil Nadu Civil Supplies Corporation Limited, permanently by granting necessary relaxation by considering his representation dated 12.03.2015 and pass orders on the same within a time stipulated by this Court.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.L.P.Shanmugha Sundaram,  
Standing Counsel

**ORDER**

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents herein to post the petitioner as Watchman in the Dharmapuri Region of Tamil Nadu Civil Supplies Corporation Limited, permanently, by granting necessary relaxation, by considering his representation dated 12.03.2015 and pass orders on the same within a time stipulated by this Court.

3. The case of the petitioner is that he was appointed as Sweeper on daily wage basis w.e.f. 01.08.1985 at the rate of Rs.7/- per day in the first instance in and by Pro.Na.Ka.No.4381/1985/E9 dated 29.07.1985 of the Senior Regional Manager, Tamil Nadu Civil Supplies Corporation Limited. Subsequently, the daily wage was revised to Rs.16/- per day as per order dated 19.01.1987 of the Regional Manager of Tamil Nadu Civil Supplies Corporation Limited, Dharmapuri.

4. The further case of the petitioner is that even though the

petitioner has completed 480 days of service from 01.08.1985 and though he is eligible for conferment of permanent status as per Tamil Nadu Industrial Establishments (Conferment of Permanent Status) Act, 1981, his service was not regularised. In this regard, the petitioner preferred an appeal before the Inspector of Factories, Krishnagiri, who in turn, by order dated 26.03.1993 issued orders, directing the management of the respondent Corporation to confer permanent status to the petitioner w.e.f. 01.08.1985. Since the said order was not implemented, the petitioner filed a Writ Petition in W.P.No.6463/1992. The Corporation also filed W.P.No.3902/1994 challenging the order of the Inspector of Factories, Krishnagiri. By order dated 04.11.1998, this Court allowed the petitioner's Writ Petition and dismissed the Writ Petition of the respondent Corporation and issued direction to the respondent Management to give effect to the proceedings dated 26.03.1993 of the Inspector of Labour, Krishnagiri with all further attendant benefits such as increment, promotion etc. and to pass appropriate orders to that effect within 4 weeks. Aggrieved by the same, the respondent Corporation filed W.A.Nos.2238 and 2239 of 1999 before this Court.

5. During the pendency of the Writ Appeals, by order dated 16.07.2000, the petitioner's service was regularised in the cadre of

Sweeper w.e.f. 01.08.1981 with two conditions that the service of the petitioner in the cadre of Sweeper will be taken into account for the purpose of counting the terminal benefits from 01.08.1987 and he is entitled to get his pay fixed in the cadre of Sweeper in the time scale of pay w.e.f. 01.04.1994. But, in the Writ Appeal, the Bench confirmed the order of the learned Single Judge and the above two conditions imposed by the Chairman of the Corporation were set aside with a direction to comply with the order of the learned Single Judge in full. Thereafter, by order dated 17.11.2000, the 2nd respondent declared the satisfactory completion of probation of the petitioner in the post of Sweeper on 31.07.1989 A.N. Prior to the issue of the said order, the 2nd respondent by order dated 28.07.2000 placed him in time scale of pay from 01.04.1994.

6. Now the grievance of the petitioner is that in spite of the above said status, he was being transferred and posted as Watchman frequently in the Regional Office of the Corporation in Dharmapuri between the years 2003 and 2008 and in various godowns of the Corporation. Hence, the petitioner submitted a representation dated 30.06.2008 to the 2nd respondent. But his request was rejected on the ground that he has not passed VIII Standard. Thereafter, the petitioner sent two representations dated 05.07.2014 and 18.02.2015

to post him as watchman permanently. Subsequently, by order dated 23.02.2015 of the 2nd respondent he was posted as Watchman in the respondent Corporation Godown at Dharmapuri. Further, he was informed that he cannot claim any right in future on the basis of this Order and he is eligible to be posted as Sweeper when allotment of posts in the cadre of watchman are made.

7. In the above circumstances, the petitioner submitted a representation dated 12.03.2015 to the Chairman of Tamil Nadu Civil Supplies Corporation Limited, Chennai-10, the 1st respondent herein, seeking to appoint him as permanent watchman by granting necessary relaxation by taking into consideration his experience. But, there is no response for the same till date. Hence, the present Writ Petition.

8. Heard the learned Counsel for the petitioner and the learned Standing Counsel, who has taken notice on behalf of the respondents.

**R.SUBBIAH, J.**  
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9. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to forward a copy of the representation dated 12.03.2015 along with a copy of this Order to the respondents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents shall consider and pass orders on the same on merits and in accordance with law, within a period of six weeks thereafter.

10. The Writ Petition is disposed of accordingly. No costs.

**24.11.2016**

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Index : Yes/No

Internet:Yes/No

To

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Limited, Chennai-10.
2. The Regional Manager,  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Dharmapuri Region, Dharmapuri.

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