IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41846 of 2016

and W.M.P.No.35811 of 2016

K.J.Gurunathan ... 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.

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 her time scale and all also grant monetary service benefits to the petitioner from the year 2011 onwards.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.L.P.Shanmugha Sundaram,
Spl. Govt. Pleader, for R1
Mr.T.K.Ashok Kumar,
for R2 and 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 mandamus, directing the second respondent to confirm him as a permanent staff of factory assistant and bring

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him into regular time scale and also grant monetary service benefits from the year 2011 onwards.

3. It is the case of the petitioner that initially he was appointed as a daily wage cum casual employee under the respondent milk federation in the year 2001 and presently, he is working as a Factory Assistant and he has been paid a consolidated sum of Rs.299/- per day as salary. Though he has been working for the past 15 years uninterruptedly, the respondents are keeping him as a temporary casual wage employee without making him permanent and without bringing him into regular time scale of pay, which is against the Government order in G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department dated 27.6.2013. Hence, the petition.

4. I have heard the learned counsel appearing for the petitioner, learned Special Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 and 3.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, 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 seeking regularization of his service and pass appropriate orders, on merits and in accordance with law and also in the light of G.O. (Ms) No.74 Personnel and Administrative Reforms (F) Department dated 27.6.2013, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

1 The Secretary to Government Milk and
Diary Development Department
Chennai-600 009.

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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.

+1cc to M/S S.Venkatesh, Advocate Sr.71363
+1cc to M/s T.K.Ashok Kumar, Advocate Sr.71161

W.P.No.41846 of 2016

MP(CO)
RVR 10/01/2017

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