

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.42356 and 42357 of 2016
and
W.M.P.Nos.36260 and 36261 of 2016

V.Mythili ... Petitioner in WP.42356 of 2016

D.Nalini ... Petitioner in WP.42357 of 2016

Vs

- 1.The Government of Tamil Nadu
Rep. by Secretary to Government
Milk and Dairy 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 Dairy Chennai-600 098. Respondents in
both the Writ Petitions

Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the 2nd respondent to confirm the petitioners as permanent staff of factory assistant and bring the Petitioner and their into time scale and also grant monetary service benefits to them from the year 2006 and 2009 respectively onwards.

For Petitioner : Mr.S.Venkatesh,
in both the writ petitions

For Respondents : Mr.L.P.Shanmugha Sundaram,
Special Government Pleader
Mr.T.K.Ashok Kumar,
for R2 and R3,
in both the writ petitions

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the second respondent to confirm them as a permanent staff of factory assistant and bring them into regular time scale and also grant monetary service benefits from the year 2006 and 2009 respectively onwards.

3. It is the case of the petitioners that initially they were appointed as a daily wage cum casual employees under the respondent milk federation in the year 2006 and 2009 respectively and presently, they are working as a Factory Assistants and they have been paid a consolidated sum of Rs.299/- per day as salary. Though they have been working for the past 10 years and 7 years respectively uninterruptedly, the respondents are keeping them as temporary casual wage employees without making them permanent and without bringing them 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 petitions.

4. I have heard the learned counsel appearing for the petitioners, 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 petitioners, this Court directs the petitioners to give a fresh / individual 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 representations seeking regularization of their 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. Both the writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The 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.

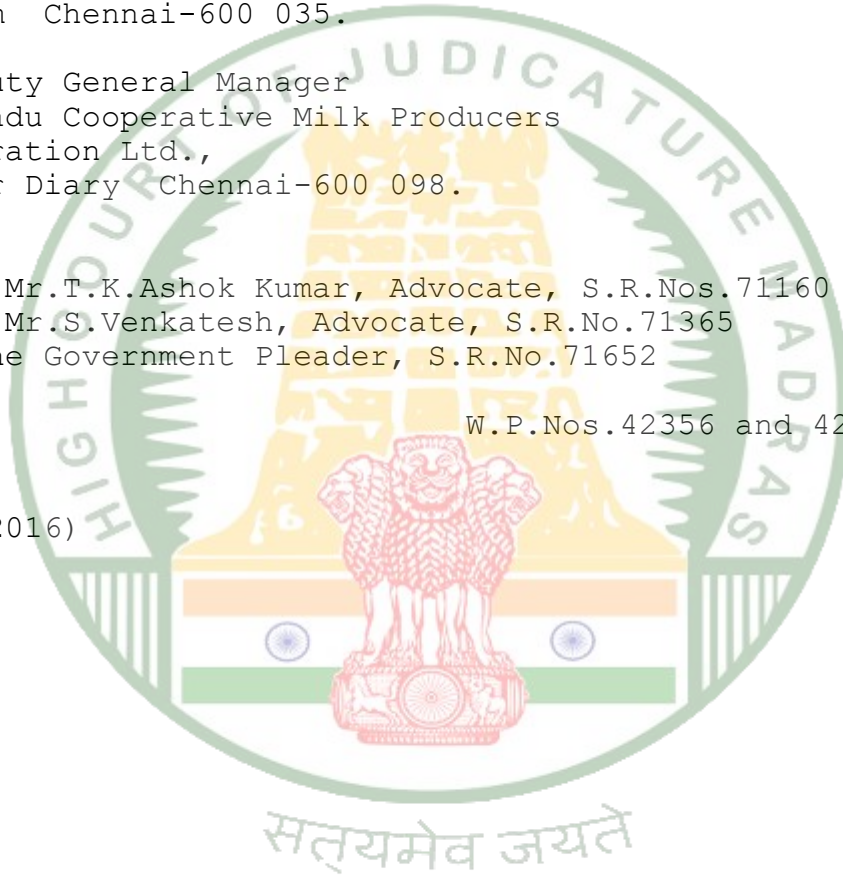
+2cc's to Mr.T.K.Ashok Kumar, Advocate, S.R.Nos.71160 & 71159

+2cc's to Mr.S.Venkatesh, Advocate, S.R.No.71365

+1cc to the Government Pleader, S.R.No.71652

W.P.Nos.42356 and 42357 of 2016

VSN(CO)
CA(30/12/2016)



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