

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43901 of 2016
and W.M.P.No.37738 of 2016

M.Sathyamurthy

... 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 Limited,
Nandanam, Chennai - 600 035.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the second respondent to confirm the petitioner as a permanent staff of factory mechanic and bring the petitioner and his time scale and all also grant monetary service benefits to the petitioner from the year 2015 onwards.

For Petitioner : Mr.S.Venkatesh

For Respondents: Mrs.M.E.Raniselvam,
Addl. Government Pleader [R1]
Mr.T.K.Ashok Kumar [R2 & R3]

O R D E R

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

2. The petitioner would state that he studied up to IX Std., and he was appointed as Mechanic in the service of the second respondent society in the year 2015 and his daily work is to deliver the packed milk and other dairy products and he is being paid with a sum of Rs.299/- per day. The petitioner would further state that he has also registered his name in the Employment Exchange and his Registration number is TVD2014M00006844 and his seniority from 2015 onwards. The petitioner would further state that he had put in more than 480 days for continuous service and it is relevant to extract hereunder the details:

S.No.	Date of Working	Valid days of working
1	30.03.2015 to 26.05.2015	53
2.	03.06.2015 to 28.07.2015	51
3	05.08.2015 to 29.09.2015	50
4	07.10.2015 to 01.12.2015	50
5	09.12.2015 to 02.02.2016	47
6	10.02.2016 to 05.04.2016	50
7	13.04.2016 to 07.06.2016	47
8	22.06.2016 to 16.08.2016	45
9	24.08.2018 to 18.10.2016	50
10	26.10.2016 to 20.12.2016	50
		493 days

3. The petitioner would state since the petitioner had put in continuous service on 480 days for two previous years, his service is to be regularised and in this regard has also submitted a representation dated 10.02.2016, to the respondent and since it has not been given disposal, came forward to file this writ petition.

4. This Court heard the submissions of Mr.S.Venkatesh, learned counsel appearing for the petitioner, Mr.M.E.Raniselvam, learned Additional Government Pleader, who accepts notice on behalf the first respondent and Mr.T.K.Ashok kumar, learned counsel, who accepts notice on behalf of respondents 2 and 3.

5. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and

without going into the merits of the claim either in his representation or in this writ petition, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 10.02.2016 in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

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

+1CC TO To.Ashok kumar,Advocate Sr.74489
+1cc to Mr.M.S.Venkatesh, Advocate SR.76092
+1cc to the Government Pleadder SR174723

Writ Petition No.43901 of 2016

pk[co]
srg 20/01/2017