WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.12.2016
CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.22964 of 2016
and
W.M.P(MD)Nos.16437 to 16439 of 2016

1.G.Prem Kumar

2.C.Ponselvaraj

3.B.Balaji

4.S.A.Sivapraphagar

5.M.Rajesh

6.A.Selvamani

7.K.Mariyappan

8.S.Vijay Kumar

9.M.Vinu

10.T.P.Jeberlal

11.V.Dhanapaul

12.S.Nadaraja Pillai

13.C.Suthen

14.D.Manoj Kumar

15.T.Suresh

16.A.Magesh

17.S.Venkadesh

18.B.Suthen

19.R.Vignesh
20.V.Gopala Krishnan

https://hcservices.ecourts.gov.in/hcservices/

21.N.Murugesan

WEB COPY

22.I.Vinoth

23.V.Manikandan : Petitioners

Vs.

1.The State of Tamil Nadu rep. by its Secretary,
Milk Productioni and Diary Department,
Secretariat, Chennai

2.The Commissioner for Milk Production and
Dairy Development,
O/o.The Commissioner for Milk Production and
Dairy Development,
Madhavaram, Milk Colony,
Chennai - 51.

3.The Managing Director,
Tamil Nadu Cooperative Milk Producers Federation,
Madhavaram, Milk Colony,
Chennai - 51.

4.The General Managers,
Kanyakumari District Cooperative Milk Producers Union,
Kanyakumari.

5.The General Manager,
Aavin Co-operative Society,
K.P.Road,
K.P.Road Palpannai,
Nagercoil,
Kanyakumari District.

6.P.Ganesan

7.V.Murugan

8.K.Gandhi Sankar

9.A.Padmavathi

10.P.Ulaganathan

11.B.Imaya Varamban

12.V.Chandrasekar

12.A.Nirmal Thomas

14.T.Durgaraj

https://hcservices.ecourts.gov.in/hcservices/

15.A.Selwynrose : Respondents

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in his proceedings in Roc.No.15257/N3/2016 dated 24.10.2016 and quash the same as illegal and consequently to direct the respondents to make the petitioners as permanent employees either in the post of Senior Factory Assistants or as Technicians in terms of the provisions contained in Tamil Nadu Industrial Establishments (Conferment of permanent status to workmen) Act, 1981 w.e.f. the date of initial appointments within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
for Mr.C.Venkateshkumar
for M/s.Ajmal Associates

For Respondents R1 to R5 : Mr.M.Murugan,
Government Advocate.

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus praying to quash the impugned order dated 24.10.2016 passed by the second respondent and consequently to direct the respondents to make the petitioners as permanent employees either in the post of Senior Factory Assistants or as Technicians in terms of the provisions contained in Tamil Nadu Industrial Establishments (Conferment of permanent status to workmen) Act, 1981 w.e.f., the date of initial appointments.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents 1 to 5.

3.It is the claim of the petitioners that they have been working under the fourth respondent for a meagre salary for years together i.e., for a period of more than nine years. It is also stated that they have been working without any blemish in their record. Seeking regularization of their services, they have submitted a representation dated 25.10.2016. Without considering the persons who have been working for years together, few persons are inducted in service, which has caused prejudice to the claim of the petitioners. The said order is under challenge in this writ petition.

4.The learned counsel for the petitioners would submit that all the private respondents are given up and that the Court can mould the relief directing the fourth respondent to consider the representation of the petitioners, who have made request for conferment of permanent status and regularization of their services before the fourth respondent.

5.The claim made by the petitioners is objected on the ground that they are the persons inducted through self help group and they are not entitled for permanent status. These are all matters to be considered by the fourth respondent.

https://hcservices.ecourts.gov.in/hcservices/

6.Under such circumstances, the fourth respondent is directed to consider the representation of the petitioners dated 25.10.2016 in the light of the claim made by them and also in the light of the provisions of Tamil Nadu Industrial Establishments (Conferment of permanent status to workmen) Act, 1981 and to pass orders on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary,
Milk Production and Diary Department,
Government of Tamil Nadu,
Secretariat, Chennai
2.The Commissioner for Milk Production and
Dairy Development,
O/o.The Commissioner for Milk Production and
Dairy Development,
Madhavaram, Milk Colony,
Chennai - 51.
3.The Managing Director,
Tamil Nadu Cooperative Milk Producers Federation,
Madhavaram, Milk Colony,
Chennai - 51.
4.The General Managers,
Kanyakumari District Cooperative Milk Producers Union,
Kanyakumari.
5.The General Manager,
Aavin Co-operative Society,
K.P.Road,
K.P.Road Palpannai,
Nagercoil,
Kanyakumari District.

Smn
AAM PM PN 31.01.2017 4P 6C

ORDER MADE IN
W.P(MD)No.22964 of 2016
and
W.M.P(MD)Nos.16437 to 16439 of 2016
02.12.2016

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/