

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.P.No.14582 of 2017

in

W.A. SR.5987 of 2017

and

W.A. SR.5987 of 2017

Mrs.P.S.Shanthi

Petitioner/Appellant

Versus

1. The Managing Director,
VRD 1000 Virudhunagar District
Co-operative Milk Producers'
Union Ltd.,
Kumarasamy Raja Nagar,
Collectorate Post,
Virudhunagar 626 002.

2. Inspector of Labour,
Virudhunagar.

Respondents/Respondents

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 2368 days in filing the above Writ Appeal against the order dated 2.7.2010 made in W.P.No.6255 of 2003.

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 2.7.2010 made in W.P.No.6255 of 2003 on the file of this court.

For petitioners/appellants : Mr.T.Padmanabhan
For Respondents : Mrs.T.Girija
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The petition is filed to condone the delay in filing the appeal challenging the order passed by the learned Single Judge wayback in 2010.

3. It appears that challenging the permanent status conferred on the appellant herein by the second respondent herein viz., Inspector of Labour, the writ petition was filed by the Management. Relying upon the decision of a Division Bench of this court in L.JUSTINE AND ANOTHER v. THE REGISTRAR OF CO-OPERATIVE SOCIETIES (2002(4) CTC 385), wherein the Division Bench has considered the jurisdiction of the authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, with regard to the employees, who are appointed on contract basis in co-operative societies, has held that the appellant being a casual labourer engaged on 8.7.1995, held that the claim of the appellant is squarely covered by the decision of the Division Bench and set aside the order passed by the Inspector of Labour.

4. It is pertinent to note that nearly after seven years, this appeal is filed and the delay has not been properly explained. In the circumstances,

the appeal is barred by limitation. Accordingly, the petition seeking to condone the delay is dismissed and consequently, the writ appeal at SR stage is rejected. No costs.

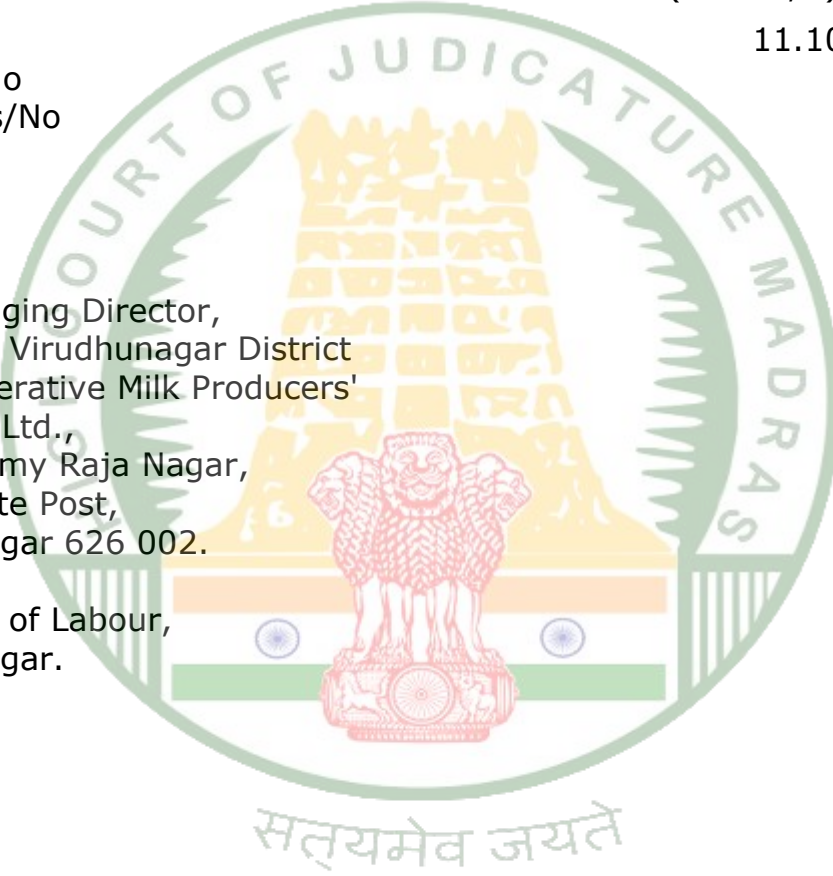
(H.G.R.,J.)(T.K.R.,J.)

11.10.2017.

Index:Yes/No
Internet:Yes/No
ssk.

To

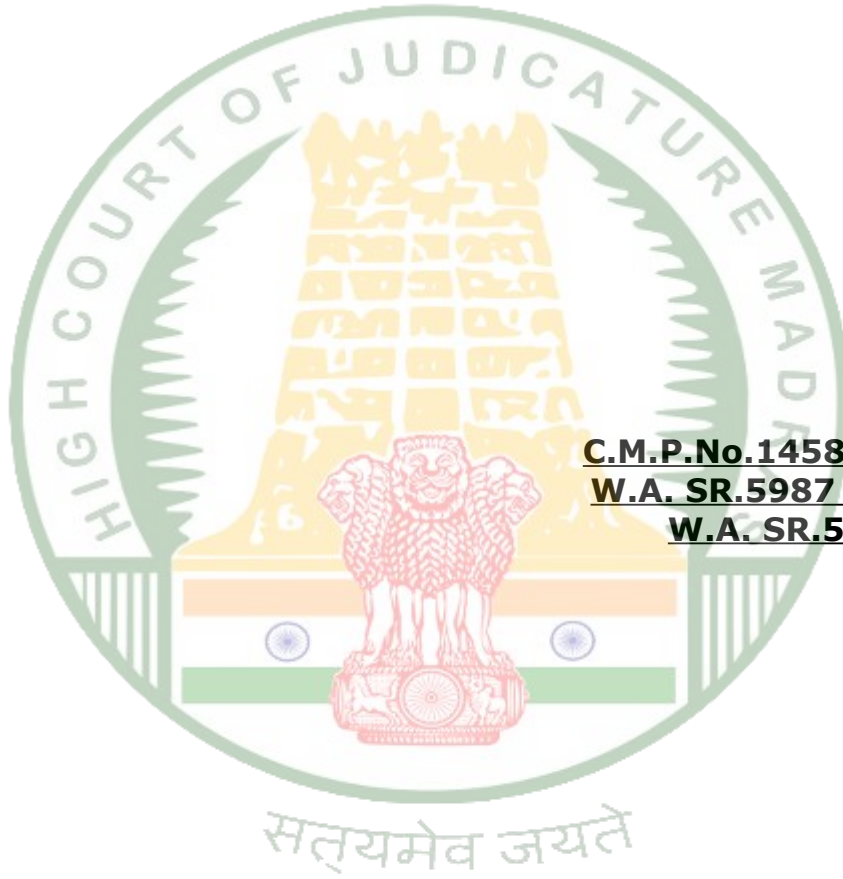
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**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

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