

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.4305 of 2004

and

WPMP.No.14177 of 2004

Madras Corporation Red Flag Union,
Rep. by its General Secretary
Regn.No.185/MDS
No.24, Lawyer Jagannathan St,
Guindy,
Chennai -600 032. ... Petitioner

-vs-

The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003 ... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to grant the 12 members of the petitioner union (List Enclosed) permanency in service on completion of 480 days of service from their dates of initial appointments as per the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and G.O.Ms.No.125 dated 27.05.1999 with all consequential benefits including arrears of salary.

For petitioner : Ms.Meenakshi
for Mr.Anna Mathew

For respondent : Mr.V.Selvasekaran
Standing Counsel for Corporation

ORDER

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondent to grant the 12 members of the petitioner union (List Enclosed) permanency in service on completion of 480 days of service from their dates of initial appointments as per the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and G.O.Ms.No.125 dated 27.05.1999 with all consequential benefits including arrears of salary.

2. The petitioner/Corporation is a Registered Trade Union represented by its General Secretary. The members of the petitioner Union were worked in different categories in the Corporation. After Umadevi's Judgment, one time measurement as per G.O.Ms.No.125, dated 27.05.1999 was issued wherein it is specified in the Order that the daily wage workers employed before 04.05.1999 in the Corporation of Chennai, should be listed out with their service particulars. On preparation of such a list, regular vacancies should be filled up only from the said list for the first one-year. Thereafter, they were directed to be put on consolidated basis and to subsequently place them on regular pay scale. More importantly, the order said that until the said list was exhausted, no fresh appointments would be made. Accordingly, contingent employees were regularised.

3. In the present case on hand, the General Secretary filed a writ petition for regularisation of members of the Union. The petitioner/Union represented by its General Secretary cannot have right to address the individual claim of the members of the petitioner/Union regarding their regularisation of the posts.

4. Learned counsel for the respondent submitted that all the employees in the petitioner/Union were regularised as per G.O.Ms.No.125, dated 27.05.1999 particularly, ten members in the year 2006 and two members in the year 2010.

5. The learned counsel for the petitioner, Ms.Meenakshi seeks permission of this court to grant liberty to such employees to raise the dispute before the appropriate forum for regularisation of the employees from their initial date of appointment.

In the result, the writ petition is disposed of with liberty granted to the petitioner to workout their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

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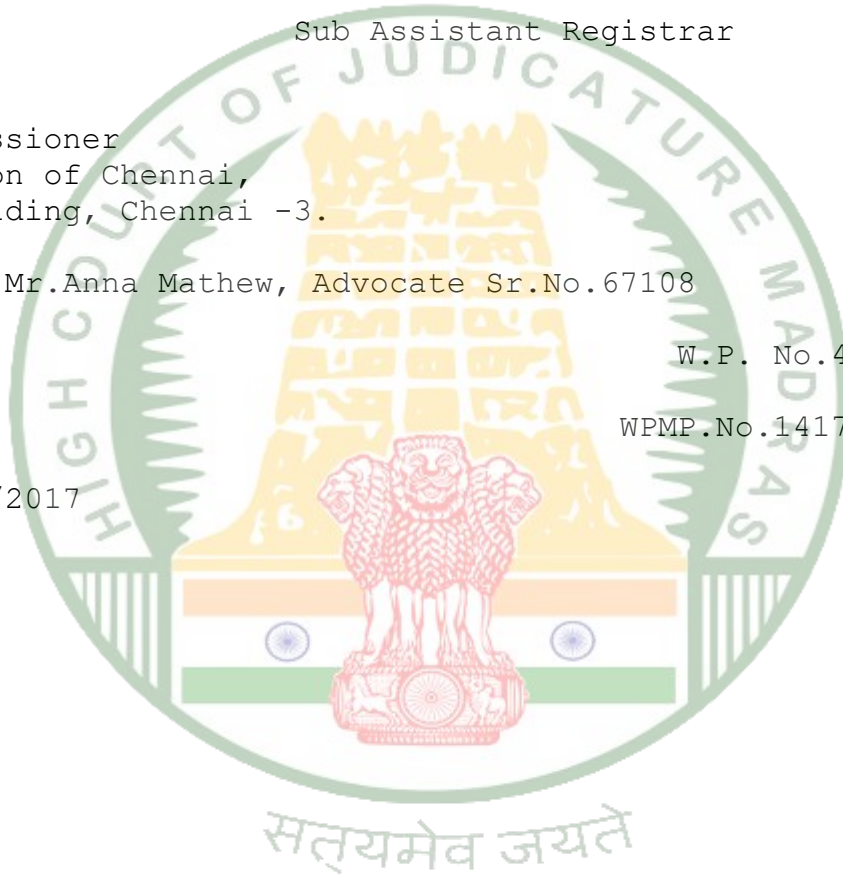
Sub Assistant Registrar

To
The Commissioner
Corporation of Chennai,
Ripon Building, Chennai -3.

+ 1 cc to Mr. Anna Mathew, Advocate Sr.No.67108

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CO(SS)
RRI 21/11/2017



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