

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE SATRUGHANA PUJAHARI

W.P.No.10341 of 2014
and M.P.No.1 of 2014

1.K.Shenbagam
2.T.Jayanthi
3.P.Rajamani
4.N.Saraswathi
5.N.Manjula
6.M.Rukmani
7.P.Gandhimathi
8.K.Thangammal
9.K.Malarvizhi
10.N.V.Shanthi
11.M.Neelakumar
12.S.Kanikkam
13.P.Rajamani

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Handloom, Handicrafts, Textiles and Khadi [F1] Department,
Fort St. George, Chennai-9.

2.The Director,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai-108.

3.The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai-108.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 2 and 3 to regularize the service of the petitioners working as Senior Spinners as Khadi Assistant Grade-III with time scale of pay and all allowances w.e.f the year 1995 when the last of the Senior Spinners were regularized in the post of Khadi Assistant Grade-III.

For Petitioners : Mrs.C.Uma
For Respondents : Mr.K.Ravi Kumar, AGP for R1
: Mr.S.K.Bose for R2 and R3

O R D E R

This Writ Petition has been filed by the petitioners to direct the respondents 2 and 3 to regularize the service of the petitioners, who were working as Senior Spinners as Khadi Assistant Grade-III with time scale of pay and all allowances with effect from the year 1995.

2.Heard the learned counsel for the petitioners and the learned counsels appearing for the respondents.

3.It appears that the petitioners were appointed as Senior Spinners and posted to the Rural Textiles Centres of the Tamil Nadu Khadi and Village Industries Board from the year 1983 to 1990. Taking note of substantial period of service rendered by them, some of the colleagues of the petitioner were regularised, but services of these petitioners have not been regularised. They approached the Deputy Commissioner of Labour. Accordingly, conciliation was taken up and conciliation failure report has been submitted. However, the Government did not refer the dispute to the Labour Court. Hence, petitioners have filed this Writ Petition seeking regularisation.

4.Petitioners prayer for regularisation cannot be acceded to, in this Writ Petition, but they appear to have a case for permanent status is not disputed. Hence, this Writ Petition is disposed of with liberty to the petitioners to approach the Labour Inspector under the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981 for grant of permanent status. If such an approach is made by an appropriate application, the Labour Inspector shall do the needful on the same within a period of two months from the date on receipt of such application. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Secretary to Government of Tamil Nadu,
Handloom, Handicrafts, Textiles and Khadi [F1] Department,
Fort St. George, Chennai-9.

2.The Director,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai-108.

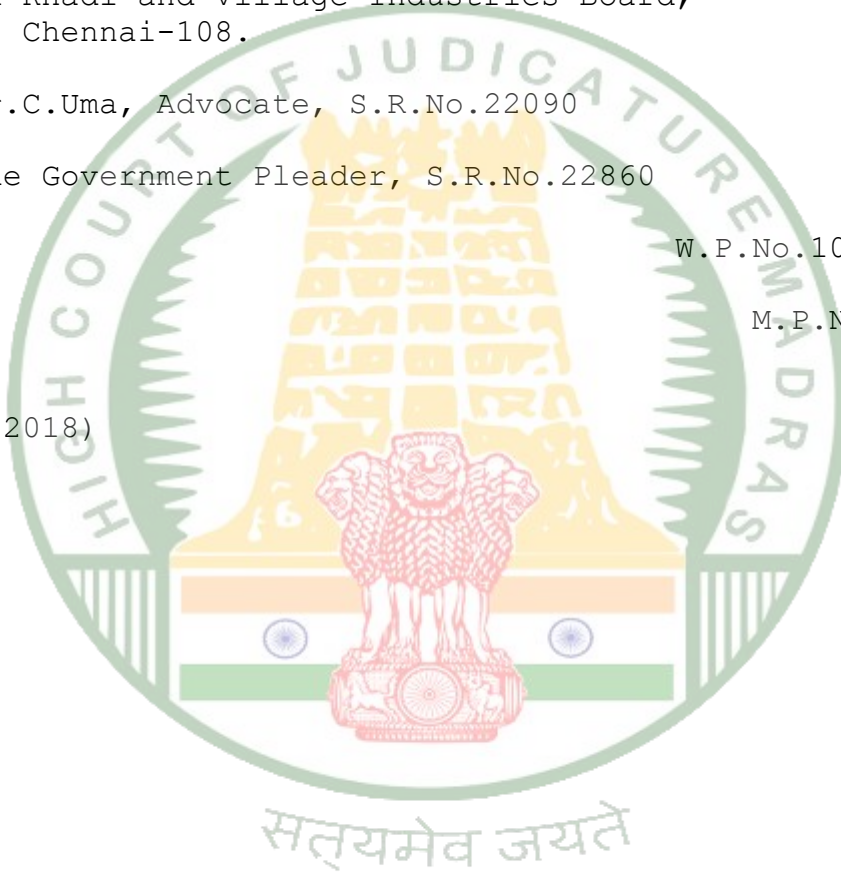
3.The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai-108.

+1cc to Mr.C.Uma, Advocate, S.R.No.22090

+1cc to the Government Pleader, S.R.No.22860

W.P.No.10341 of 2014
and
M.P.No.1 of 2014

gj II(CO)
GSP(11/04/2018)



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