

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6968 of 2018

S.Shiju

.. Petitioner

Vs

1.The Inspector of Labour,
Labour Department,
Coonoor -1, The Nilgiris Dt.

2.The Managing Director,
Nilgiris District Consumer Wholesale
Cooperative Stores,
Regent House, Hill Bunk Junction,
Ootty, The Nilgiris District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to pass order on the petition dated 11.04.2017 filed by the petitioner seeking permanency in service under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act on merits and in accordance with law after hearing the parties.

For petitioner :Mr.K.Lavan

For R1 :Mr.V.Jayaprakash Narayanan, Spl.GP

For R2 :Mr.L.P.Shanmugasundaram, Spl.GP

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the first respondent to pass orders on the petition dated 11.04.2017 filed by him seeking permanency in service under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act.

2. It is stated by the learned counsel for the petitioner that by virtue of an order dated 07.04.2008 passed by the second respondent, the petitioner has been working continuously as Kerosene Backer in Nilgiris District Consumer Wholesale Cooperative Stores, Coodalure / third respondent herein from 07.04.2008 on daily wage basis. However, the respondents have not come forward to absorb the petitioner in the second respondent society. Hence, he has filed a petition

dated 11.04.2017 before the first respondent / Inspector of Labour, Labour Department, Coonoor, seeking conferment of permanent status under Section 33 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act. The said petition is still pending. In the meanwhile, the first respondent, vide his proceedings dated 19.01.2018, advised the second respondent not to change the petitioner's service conditions pending final disposal of the said petition. In spite of the said order, it is stated, the second respondent has removed the name of the petitioner from the attendance.

3. Mr.V.Jayaprakashnarayanan, learned Special Government, accepts notice for the first respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, accepts notice for the second respondent.

4. Considering the fact that the petition dated 11.04.2017 filed by the petitioner is pending for consideration before the first respondent, this Court, without going into the merits of the matter, directs the first respondent to dispose of the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. With this direction, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Inspector of Labour,
Labour Department,
Coonoor -1, The Nilgiris Dt.

2. The Managing Director,
Nilgiris District Consumer Wholesale
Cooperative Stores,
Regent House, Hill Bunk Junction,
Ootty, The Nilgiris District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.23307

+1cc to Mr.K.Lavan, Advocate, S.R.No.22803

+1cc to the Government Pleader, S.R.No.23945, 23359

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AK(CO)

CS/16/04/18