

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13698 of 2018

Chengelpattu Railway Goods Shed
SC / ST Dr.B.R.Ambedkar Sumai Thukkum
Thozhilalargal Nala Sangam
Regd. No.520/KPM,
Rep. by its State Secretary,
K.Ravichandran,
S/o.Kathavarayan,
Mp.58, Mariyamman Koil Street,
Kootteripattu Post, Tindivanam Taluk,
Villupuram District. ..Petitioner

vs

- 1.The Principal Secretary to Government
Co-operation, Food and Consumer Protection
Development Department, Fort St.George,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Tambusamy Street, Kilpauk, Chennai - 600 010.
- 3.The General Manager,
Tamil Nadu Civil Supplies Corporation,
Tambusamy Street, Kilpauk, Chennai - 600 010.
- 4.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kancheepuram Region,
Pallavan Nagar, Kancheepuram,
Kancheepuram District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the second respondent to consider and pass orders on
merits by disposing the written representation made by the
petitioner on 23.05.2018 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mrs.A.Srijayanthi
Special Government Pleader

For Respondents : Mr.K.Raghuraman
2 to 4

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the written statement on 23.05.2018, and pass orders on merits within a stipulated time.

2. The learned counsel appearing on behalf of the writ petitioner, made a submission that the writ petitioner is Chengelpattu Railway Goods Shed SC / ST Dr.B.R.Ambedkar Sumai Thukkum Thozhilalargal Nala Sangam and it is a Registered Association numbering about 150 members and they are working as loadmen in Tamil Nadu Civil Supplies Corporation at Railway goods Shed, Kancheepuram.

3. The grievance of the members of the writ petitioner Sangam is that they are serving as loadmen for many years in the Civil Supplies of Corporation. However, the respondents are now engaging some other persons for the purpose of carrying out their works in the Railway Goods Shed. The learned counsel for the petitioner states that the members of the writ petitioner Sangam are working for the past many years and therefore the members of the writ petitioner Sangam alone to be engaged as loadmen in Tamil Nadu Civil Supplies Service Corporation.

4. When, this Court asked the learned counsel for the petitioner to produce any document to substantiate his claim, the learned counsel unable to submit any document to establish that the members of the writ petitioner Sangam were appointed or working continuously.

5. Contrarily, the learned Special Government Pleader stated that they are being engaged by the respondents as loadmen on daily wage basis and there is no proof to establish that they were employed continuously.

6. Be that as it may, even if the respondents engage the members of the petitioner Sangam, there is no prohibition on the part of the respondents for engaging other worker group of persons considering the nature of work or otherwise. It is an administrative decision of the respondents to decide such

matters in the interest of the Tamil Nadu Civil Supplies Corporation and in public interest. The respondents being the Government corporation are bound to consider the public interest also. The Civil Supplies Corporation has to distribute essential commodities to the public at large.

7. This being the factum of the case, in the absence of any document no relief as such can be granted. Even, for issuance of a direction to consider the representation of the members of the writ petitioner Sangam the legal rights, is to be established.

8. This Court is unable to give any direction to the public authority to pass orders, in view of the fact that the members of the writ petitioner Sangam has failed to establish even a semblance of legal right and thus the relief cannot be granted.

9. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

nmm/stm

To

1. The Principal Secretary to Government
Co-operation, Food and Consumer Protection
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Tamil Nadu Civil Supplies Corporation,
Kancheepuram Region,
Pallavan Nagar, Kancheepuram,
Kancheepuram District.

+ 1 cc to Mr. C. Prakasam, Advocate 45966

+ 1 cc to Mr. K. Raghuraman, Advocate SR.45190

W.P.No.13698 of 2018

(CS-IV)

EU(19/07/2018)