



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)Nos.16776 to 16779 of 2018

M.Palani	... Petitioner in	W.P.16776/18
M.Sureshkumar	... Petitioner in	W.P.16777/18
B.Chandrabose	... Petitioner in	W.P.16778/18
G.Muniasamy	... Petitioner in	W.P.16779/18

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Ramanathapuram Region,
Ramanathapuram.

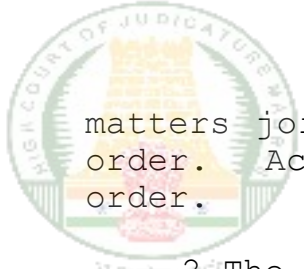
... Respondents in
all petitions

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representations of the petitioners dated 18.06.2018, 15.06.2018, 15.06.2018 and 11.07.2018 respectively and consequently direct the respondents to appoint them as Bill Clerk in the permanent vacancy in pursuance of the Regional Wise Seniority list as per the order passed by the first respondent.

For Petitioners : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.Raja. Karthikeyan

COMMON ORDER

In all these writ petitions, the petitioners had been appointed and were working as temporary Bill Clerks at the respondent Corporation. They seek similar relief and in this regard, the learned counsel appearing on either side consented to take up these



matters joint together and to dispose of these matters by a common order. Accordingly, these matters are disposed of by this common order.

2. The prayer sought for in these writ petitions is for a Writ of Mandamus, directing the respondents to consider the representations of the petitioners dated 18.06.2018, 15.06.2018, 15.06.2018 and 11.07.2018 respectively and consequently direct the respondents to appoint them as Bill Clerk in the permanent vacancy in pursuance of the Region Wise Seniority list as per the order passed by the first respondent.

3. Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioners and Mr.Raja Karthikeyan, learned standing counsel appearing for the respondents.

4. These petitioners had been appointed as Bill Clerks temporarily and had been working for sometime. Even though they were discharged, subsequently, they are re-employed and presently, they are working as Bill Clerks. In this regard, the learned counsel appearing for the petitioner would submit that there has been a settlement between the respondent Corporation and Trade Union under Section 12(3) of I.D. Act, under which, whenever vacancies arise in a permanent post, these people, who are working temporarily could be considered for absorption to that post. The petitioners, in order to get absorption on permanent post, had made representations to the respondents on 18.06.2018, 15.06.2018, 15.06.2018 and 11.07.2018 respectively.

5. The learned counsel appearing for the petitioners would submit that if the said representations are directed to be considered by the respondents on merits and in accordance with law, especially, under the 12(3) Settlement referred to above and an order to that is directed to be passed, within a time frame, these petitioners would be satisfied.

6. I have heard the learned standing counsel appearing for the respondent Corporation, who would submit that no doubt, there had been a settlement between the Corporation and the Trade Union. But, even in the said settlement, whether these petitioners could be treated on par with others by taking into account the original seniority or the Statewide seniority is the matter to be decided by the respondent Corporation and in this regard, a decision would be taken by the respondent Corporation and accordingly, final orders would be passed on the representations given by each of the petitioners by taking into account the merits of the issue.

7. I have considered the said submissions made by both sides and perused the materials placed before this Court and with regard to the said situation and facts and circumstances of the case, this Court is inclined to pass the following order:



"The respondents are directed to consider the representations submitted by each of the petitioner with regard to their grievances of absorption on permanent basis in the vacancies available in the respondent Corporation, by taking into account the 12 (3) settlement referred to above and also by considering the merits of the case of each of the individual petitioner, by passing final orders, within a period of eight weeks from the date of receipt of a copy of this order."

8. With the above direction, these writ petitions are ordered.
No costs.

Sd/
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar (CS-IV)

TO

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Ramanathapuram Region,
Ramanathapuram.

+4cc to Mr.D.Shanmugaraja sethupathi, Advocate, SR.No.75786,75787,
75789,75790

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30.07.2018

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