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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.21949 of 2016

S.Kingsley

... Petitioner

Vs.

- 1.The Labour Inspector,
(The Authorised Officer appointed under the
Tamil Nadu Industries,
(Regularisation of Labour Act, 1981)
The Joint Registrar of Co-operative Socceity,
Nagercoil, Kanuyakumari District.
- 2.The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.
- 3.The Deputy Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.
- 4.The President,
2918, Kannanoor Primary Agri. Co-op. Society,
Kannaoor and post,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of mandamus directing the respondents 2 to 4 to regularise the petitioner's service as Assistant Salesman in the 4th respondent's Society with effect from 30.10.2009 pursuant to the order passed by the 1st respondent in Na.Ka.No.16/2015 dated 07.09.2015 and thus render justice.

For Petitioner	:	Mr.C.K.M.Appaji
For Respondents	:	Mr.T.S.Mohammed Mohideen Additional Government Pleader

O R D E R

This Writ of Mandamus has been filed, seeking a direction to the respondents 2 to 4 to regularise the petitioner's service as Assistant Salesman in the fourth respondent Society with effect from 30.10.2009 pursuant to the orders passed by the first respondent dated 07.09.2015.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

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3. By the impugned order dated 07.09.2015, the first respondent has directed the fourth respondent to regularise the service of the petitioner as Assistant Salesman with effect from 30.10.2009.

4. A perusal of the impugned order would go to show that the order passed by the first respondent is a detailed order, citing several Supreme Court Judgments and giving reasons. It has been specifically stated in the order that the petitioner has completed 480 days of service and therefore, he is entitled to be regularised and all service benefits must be paid to him. This order has been passed on 07.09.2015. But for the reasons best known, the fourth respondent has not implemented the order and unnecessarily, the petitioner has been driven to the extent of filing this Writ Petition, seeking a direction to the fourth respondent to regularise his service.

5. It is relevant to point out that as per the settlement arrived at between the management and Society, service of the labourers who had worked for 240 days within a period of two years, shall be regularised. Despite the settlement arrived at and despite the orders passed by the first respondent, the fourth respondent is turning a deaf ear to the claim made by the petitioner herein. Therefore, the fourth respondent is directed to comply with the order passed by the first respondent dated 07.09.2015 and to report compliance positively on 28.11.2016, failing which, without further notice, contempt proceedings will be issued as against the fourth respondent.

6. With the above direction, the Writ Petition is disposed of. No costs.

7. Post on 28.11.2016 for reporting compliance.

Sd/

Assistant Registrar (Cr1.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Labour Inspector,

(The Authorised Officer appointed under the

<https://hcservices.samsir.go.in/hcservices/> Tamil Nadu Industries, (Regularisation of Labour Act, 1981)

The Joint Registrar of Co-operative Society, Nagercoil,
Kanyakumari District.



2.The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.

3.The Deputy Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.

4.The President,
2918, Kannanoor Primary Agri. Co-op. Society,
Kannanoor and post,
Kanyakumari District.

+1cc to M/s.C.K.M.Appaji, Advocate, in SR No.69937.

Copy to:

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

W.P (MD) No.21949 of 2016
17.11.2016

mj
msm/sk-skn/sar3/17.11.16/p3/7c(IT)