

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.582,583,587,588, 591, 592,
594, 595, 597 to 599, 601 to 603, 605,
and 608 of 2019 and W.M.P.Nos.589 to 591
594, 598,599,600,601,603 to 605, 607,
609 to 612, 615 to 618, 620, 621, 623 to 645,
648, 649 and 652 of 2019

M.Rajalakshmi	.. Petitioner in WP No.582/2019
S.G.Rajendran	.. Petitioner in WP No.583/2019
S.Gnanasekaran	.. Petitioner in WP No.587/2019
A.Radhakrishnan	.. Petitioner in WP No.588/2019
N.K.Sankar	.. Petitioner in WP No.591/2019
V.Nandhakumar	.. Petitioner in WP No.592/2019
R.Murugan	.. Petitioner in WP No.594/2019
R.Seetha	.. Petitioner in WP No.595/2019
E.Duraisamy	.. Petitioner in WP No.597/2019
R.Senthil	.. Petitioner in WP No.598/2019
S.Ramasami	.. Petitioner in WP No.599/2019
D.Uthirakumar	.. Petitioner in WP No.601/2019
M.Rajeswari	.. Petitioner in WP No.602/2019
A.Chandrasekaran	.. Petitioner in WP No.603/2019
S.Ramesh	.. Petitioner in WP No.605/2019
R.Viji	.. Petitioner in WP No.608/2019

vs.

1. The State of Tamil Nadu,
Rep.by Managing Director,
Tamil Nadu Co-operative Milk Producers' Federation
Ltd., (Aavin)
Aavin Illam,
Madhavaram Milk colony, Chennai 600 051.
2. The Joint Managing Director,
Tamilnadu Co-operative Milk Producers' Federation Ltd.,
Plot No.29 & 30, Industrial Estate,
Ambattur, Chennai 600 098.
3. The Management,
Tamilnadu Co-operative Milk Producers' Federation Ltd.
(Aavin) Dairy cum Powder Plant,
Ammapalayam, Tiruvannamalai District.
.. RR 1 to 3 in all the both petition

Common Prayer.: Writ petitions are filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records from the 2nd respondent relating to the impugned Tender reference No.743/DCPP/Estt/2018 dated 24.12.2018 uploaded in website and quashing the same and consequently, directing the 3rd respondent not to disengage the petitioner.

For petitioners (in all W.Ps.) : Mr.S.Sivakumar

For Respondents (In all W.Ps.) : Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader.

C O M M O N O R D E R

These writ petitions have been filed by the petitioners praying to issue a writ of Certiorarified Mandamus calling for the records from the 2nd respondent relating to the impugned Tender reference No.743/DCPP/Estt/2018 dated 24.12.2018 uploaded in website and quashing the same and consequently, directing the 3rd respondent not to disengage the petitioners.

2. According to the learned counsel for the petitioners, the petitioners in all the petitions have been working as daily wage employees under the third respondent from the year 2015 and they had completed 480 days of continuous service. Hence, the petitioners are entitled to be absorbed as permanent employees as per Section 3 of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The petitioners have given several representations to the third respondent to regularise their services. But the third respondent did not consider the same. Thereafter, the petitioners had filed a petition before the authority under the Tamil Nadu Confirmation of Permanent Status Act seeking regularisation of their employment, since they had completed 480 days of continuous service in last 24 months. The petitioners have approached the Deputy Director of Industrial Safety and Healthy, Tiruvannamalai. In the mean time, the second respondent had issued a tender reference No.743/DCPP/Estt/2018 calling the tenders for supplying of 18 workers on contract basis to carry out all the work of powder plant section under the third respondent. The last date for submission of tender application on 10.01.2019. Aggrieved by the said impugned tender reference, the petitioners have filed the present writ petitions before this Court.

3. The learned Special Government Pleader appearing for the respondents would strongly object for maintainability of the

writ petition in the light of the judgment of this Court reported in 2006(4) CTC 689 (K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal and another) wherein, this Court has held that the writ petition is not maintainable. Secondly, the petitioners had approached this Court with an apprehension, so far, there is no disengagement of the service of the petitioners from the respondent federation. Therefore, the writ petitions are liable to be rejected.

4. Recording the submission of the learned Special Government Pleader, the writ petitions cannot be entertained and the same are rejected.

5. In view of the above, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

kkd

To

1. The Managing Director,
Tamil Nadu Co-operative Milk Producers' Federation
Ltd., Avin Illam,
Madhavaram Milk colony, Chennai 600 051.

2. The Joint Managing Director,
Tamilnadu Co-operative Milk Producers' Federation Ltd.,
Plot No.29 & 30, Industrial Estate,
Ambattur, Chennai 600 098.

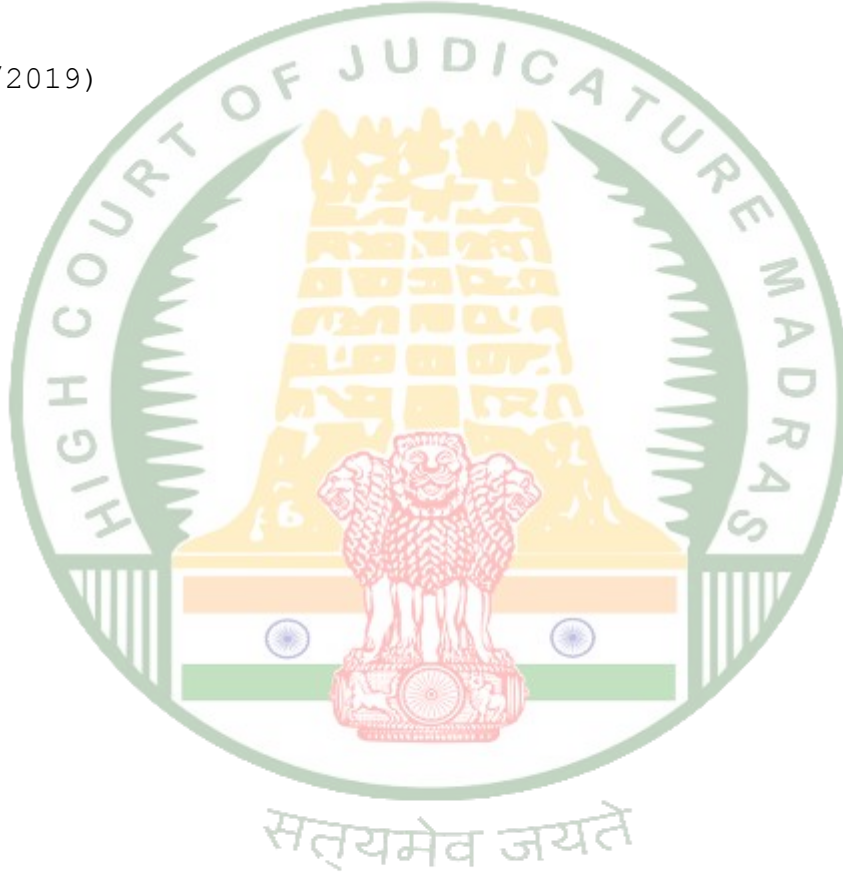
3. The Management,
Tamilnadu Co-operative Milk Producers' Federation Ltd.
Dairy cum Powder Plant,
Ammapalayam, Tiruvannamalai District.

+16ccs to Mr.S.Sivakumar, Advocate SR.No.2779

+1cc to Government Pleader SR.No.3274

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RV (CO)
GMY (01/03/2019)



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