

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28385 of 2016

E.Munusamy

... Petitioner

-vs-

Tamil Nadu Civil Supplies Corporation
rep.by its Chairman and Managing Director
No.12, Thambusamy Road
Kilpauk, Chennai 600 010 ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to provide the petitioner for the job of the Packer from the date when the 13 petitioners in W.P.Nos.27419 to 27431 of 2010 were provided with the job of Packer.

For Petitioner:: Mr.M.Stanley Chellappa
for M/s.N.Ramesh

For Respondent:: Mr.K.Raghuraman, Standing Counsel

ORDER

This writ petition has been filed seeking for issuance of a mandamus directing the Chairman and Managing Director of Tamil Nadu Civil Supplies Corporation, the respondent herein to provide the petitioner the job of Packer from the date when the 13 petitioners in W.P.Nos.27419 to 27431 of 2010 were provided with the job of Packers.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as a Packer from 4.4.97. But, within six months, on 30.6.97, he was orally terminated along with 13 other workmen. Challenging their oral termination and non-employment, except the petitioner, 13 other workmen raised industrial disputes before the II Additional Labour Court, Chennai in I.D.Nos.27 of 2006 etc. The learned II Additional Labour Court, Chennai also, giving a finding that they did not

work for 240 days in a year, dismissed the industrial disputes by a common award dated 17.6.2009. Being aggrieved thereby, all the 13 persons came to this Court with W.P.Nos.27419 to 27431 of 2010 and this Court, by order dated 7.12.2010, came to the conclusion that no ground was made out to interfere with the award passed by the II Additional Labour Court, Chennai. Accordingly, while dismissing the writ petitions, this Court made it clear that the dismissal of the writ petitions would not come in the way to give fresh employment to the petitioners, in case there is requirement of the employees. The learned counsel for the petitioner submitted that as the petitioner was indigently placed, he was unable to join hands with the 13 other workmen who questioned their non-employment either before the II Additional Labour Court, Chennai or before this Court. Consequently, by virtue of the order passed by this Court on 7.12.2010, the respondent-Tamil Nadu Civil Supplies Corporation, by order dated 14.8.2012, provided them employment as Packers. When this was learnt by the petitioner belatedly, he came to the Court by filing this writ petition in the year 2016 seeking a similar benefit of providing him with the job of Packer. He has also submitted that although the petitioner reached the age of superannuation, notional benefit can be ordered in his favour taking note of his indigent circumstance.

3. But this Court is unable to find any justification or merit to entertain the belated writ petition, for the following reasons. When the 13 similarly placed workmen were orally terminated on 30.6.97 after they were appointed on 4.4.97, except the petitioner, the other 13 similarly placed workmen challenged their non-employment by raising industrial disputes before the II Additional Labour Court, Chennai in I.D.Nos.27 of 2006 etc. But their disputes were dismissed by the award dated 17.6.2009 holding that they did not work for 240 days in a year. The said award was also questioned before this Court in W.P.Nos.27419 to 27431 of 2010 and this Court, finding no merits whatsoever, dismissed all the writ petitions by order dated 7.12.2010. However, the Court observed that the dismissal of the writ petitions would not come in the way to consider them for fresh appointment if there is a requirement for fresh employees. Based on the observation, taking note of the fact that there was a requirement, the 13 petitioners were appointed in the year 2012. But the petitioner has miserably slept over the matter as, after the dismissal of the I.D.Nos.27 of 2006 etc., on 17.6.2009 and the Writ Petition Nos.27419 to 27431 of 2010 on 7.12.2010 and the 13 Packers were all appointed in the year 2012, for another four long years, the petitioner has forgotten to pursue the matter. In the meanwhile, he has also reached the age of superannuation. Therefore, this Court finds

no merit or substance to accede to the prayer of the petitioner.
Accordingly, the writ petition fails and it is dismissed. No
costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

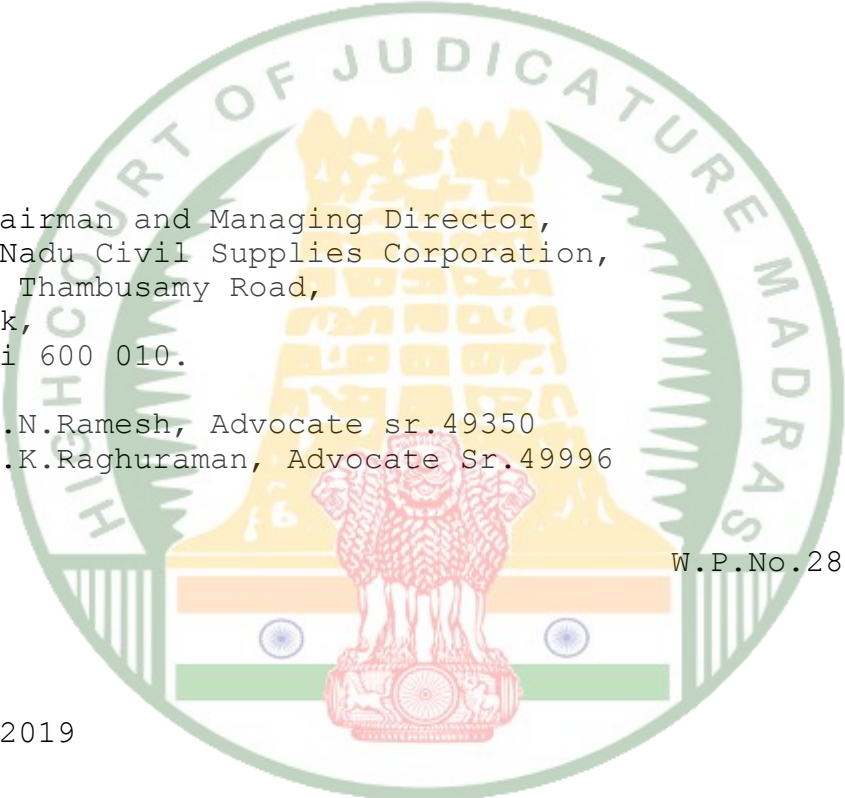
The Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai 600 010.

+1cc to Mr.N.Ramesh, Advocate sr.49350

+1cc to Mr.K.Raghuraman, Advocate Sr.49996

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mr[co]
srg 11/07/2019

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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