



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. [MD] No. 5357 of 2019

R.Gurusekar

: Petitioner

Vs.

1.The Assistant Commissioner of Labour,
Controlling Authority under
Tamil Nadu Industrial Establishments
(Conferment of Permanent Status to Workmen) Act,
Collector Office Complex,
Virudhunagar.

2.The President / Management,
Sp. Spl.39, Nachiarpatti Primary Agricultural
Co-operative Credit Society,
Nachiarpatti, Srivilliputhur Taluk,
Virudhunagar District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing second respondent to implement the order dated 31.12.2018 in Na.Ka.No.2634 of 2017, issued by the first respondent, by issuing order making the petitioner permanent in their service.

For Petitioner : Mr.T.Ravichandran

For Respondent No.1: Mr.A.Thiyagarajan
Government Advocate

O R D E R

The instant Writ Petition has been filed for a Mandamus, directing the second respondent to implement the order dated 31.12.2018, passed by the first respondent in Na.Ka.No.2634/2017 making the petitioner permanent in the service of the second respondent.

2.According to the petitioner, by order dated 31.12.2018, in Na.Ka.No.2634 of 2017, the first respondent regularised the petitioner in the service of the second respondent as per the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. According to the petitioner, the said order has attained finality, since no appeal has been filed against the said order by the respondents. This fact is also not disputed and seen from the counter affidavit filed by the second respondent before this Court, wherein they have stated that there is an alternative statutory remedy of filing an execution petition



available to the petitioner for executing the order dated 31.12.2018 passed by the first respondent in favour of the petitioner. According to them, instead of filing an execution petition, the petitioner has filed the instant Writ Petition which is not maintainable.

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3. Admittedly, the order dated 31.12.2018 issued by the first respondent in Na.Ka.No.2634 of 2017 in favour of the petitioner regularising his service in the second respondent Society has attained finality. The second respondent is a Cooperative Society well within the definition of Article 12 of the Constitution of India. There is no necessity for the petitioner to file an execution petition to execute the order dated 31.12.2018 passed by the first respondent in his favour. Therefore, the Mandamus sought for in this Writ Petition has to be granted in favour of the petitioner. Accordingly, the second respondent is directed to implement the order dated 31.12.2018 passed by the first respondent in Na.Ka.No.2634 of 2017, within a period of eight [8] weeks from the date of receipt of a copy of this order.

4. With the aforesaid direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To
The Assistant Commissioner of Labour,
Controlling Authority under
Tamil Nadu Industrial Establishments
(Conferment of Permanent Status to Workmen) Act,
Collector Office Complex,
Virudhunagar.

+1cc to Mr.T.Ravichandran, Advocate, SR.No. 57253
+1cc to M/s.Special Government Pleader, SR.No.57462

ORDER MADE IN
W.P. [MD] No.5357 of 2019

MR

KK/SAR-/01.04.2019/2P-4C