



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD) Nos. 16532, 16529 and 16534 of 2019

C. Karthi ... Petitioner in WP(MD).No.16532/19
M.Kannan ... Petitioner in WP(MD).No.16529/19
M.Marimuthu ... Petitioner in WP(MD).No.16534/19

-Vs-

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

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road, Kilpauk,
Chennai - 10.

3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Virudhunagar Region,
Collectorate Campus,
Virudhunagar.

... Respondents in all W.Ps.

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 appoint the petitioners as Bill Clerk in Virudhunagar Region as against the permanent vacancy on the basis of the Regional Wise Seniority list, in view of the settlement dated 30.01.1997 under Section 12(3) of the Industrial Disputes Act and as per the order passed by the first respondent vide Na.Ka.No.AE2/60812/2008, dated 01.02.2013 by considering the representations of the petitioners dated 08.07.2019, 08.07.2019 and 08.07.2019 respectively.

For Petitioners : Mr.D. Shanmugaraja Sethupathi
in all W.Ps.

For Respondents : Mr.Raja Karthikeyan
Standing Counsel



ORDER

These Writ Petitions have been filed for issuing a direction to the respondents to appoint the petitioners as Bill Clerk in Virudhunagar Region as against the permanent vacancy on the basis of the Regional Wise Seniority list, in view of the settlement dated 30.01.1997 under Section 12(3) of the Industrial Disputes Act and as per the order passed by the first respondent vide Na.Ka.No.AE2/60812/2008, dated 01.02.2013, by considering the representations of the petitioners, dated 08.07.2019, 08.07.2019 and 08.07.2019 respectively.

2. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents.

3. The case of the petitioners is that they had been temporarily appointed as Bill Clerks and had been working for some time. Even though, they were discharged, subsequently, they are re-employed and presently, they are working as Bill Clerk. In this regard the learned counsel appearing for the petitioners would submit that there has been a settlement between the respondent Corporation and Trade Union under Section 12(3) I.D Act, under which, whenever vacancies arise in a permanent post, these people who are working temporarily could be considered for absorptions to that post. The petitioners in order to get absorption on permanent post, had made representations to the respondents on 08.07.2019, 08.07.2019 and 08.07.2019 respectively.

4. The learned counsel appearing for the petitioners would submit that a similar issue has already been considered by this Court in WP(MD).Nos.16776 to 16779 of 2018, dated 30.07.2018. Hence, he prays for appropriate orders by considering the petitioners representations, dated 08.07.2019, 08.07.2019 and 08.07.2019 respectively.

5. The learned Standing Counsel appearing for the respondents has not refuted the above said submission made by the learned counsel for the petitioners.

6. In view of the above said submissions made by the learned counsel appearing on either side, this Court, without going to the merits of the case, directs the 3rd respondent to consider the representations of the petitioners, dated 08.07.2019, 08.07.2019 and 08.07.2019 respectively, with regard to grievances of absorption on permanent basis in the vacancy available in the respondent / Corporation, by taking into account the 12(3) Settlement entered between the employees of the Corporation as well as management and also by considering the merits of the case of each of the individual petitioners, by passing final orders, in the light of the earlier order passed by this Court in WP(MD).Nos.16776 to 16779 of 2018, dated 30.07.2018, within a period of eight weeks from the date of



receipt of a copy of this order.

7. These Writ Petitions are disposed of with the above direction. No costs.

WEB COPY

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road, Kilpauk,
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3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Virudhunagar Region,
Collectorate Campus,
Virudhunagar.

+3 cc to Mr.D.Shanmugaraja Sethupathi,Advocate, SR.No. 78925

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31.07.2019

trp

JMN(20.08.2019) 3P : 7C