

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.34544 to 34547 of 2013

R.Arun Kumar
S/o.A.Ramalingam ... Petitioner in W.P.No.34544 of 2013

P.Amalraj
S/o.Ponnusamy Petitioner in W.P.No.34545 of 2013

T.Sambamoorthy
S/o.Late Thangavel ... Petitioner in W.P.No.34546 of 2013

T.Bhoopathy Raj
S/o.A.Thangaraj Petitioner in W.P.No.34547 of 2013

vs.

1.The Government of Tamil Nadu
Represented by its Secretary
Industries (MIF 2) Department
Fort St.George, Chennai-600 009.

2.The Government of Tamil Nadu
Represented by its Secretary
Labour and Employment Department
Fort St.George, Chennai-600 009.

... Respondents in all W.P.s

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in connection with the order Letter No.13547/MIF-2/2012 dated 18.03.2013 and quash the same and direct the respondents to give alternative employment to the petitioner as per G.O.Ms.No.524 dated 21.08.1998.

For Petitioner in all W.P.s :Mr.J.Shanmugasundara Babu

For Respondents in all W.P.s :Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 & R2

COMMON ORDER

In all these writ petitions, challenge made is against the order of the first respondent dated 18.03.2013 rejecting the request of the petitioners for providing alternative employment based on G.O.Ms.No.524 Industries (MIA) Department dated 21.08.1998. Consequently, the petitioners seek for a direction to the respondents to give alternative employment as per G.O.Ms.No.524 dated 21.08.1998.

2. The case of the petitioners, in short, is as follows:

The petitioners were the employees of the M/s.Tamil Nadu Steels Limited, Arakkonam, a company owned by the Government of Tamil Nadu. Due to financial loss, the said company stopped the production. These petitioners had put in more than 480 days of service in the said company. The first respondent passed G.O.Ms.No.222 dated 16.06.1998 ordering for closure of the said company and also introducing a scheme for providing compensation to all the Workmen, who opted to go on voluntary retirement. The said benefit was given only to the permanent Workmen on rolls. Another Government Order was issued in G.O.No.524 dated 21.08.1998, whereby, the first respondent-Government proposed to provide alternative employment to such of those employees, who were permanently working and got retrenched due to closure of the said company. These petitioners filed W.P.No.20503 of 1998 seeking benefit under G.O.Ms.No.222 dated 16.06.1998 and G.O.Ms.No.524 dated 21.08.1998. The said writ petition was disposed of on 30.09.2008, by directing the first respondent therein to direct the Inspector notified as per Section 4 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, to consider the claim of the petitioners regarding their permanent status and to pay all the benefits as provided under G.O.Ms.No.222 dated 16.06.1998. Consequent upon such order, the Labour Inspector through proceedings dated 02.12.2011 ordered to grant permanent status to these petitioners. The said order was also approved by the Government by passing G.O.Ms.No.100, Industries (M.I.F.2) Department, dated 03.05.2012. Thereafter, these petitioners approached the first respondent and sought for extending the benefit of G.O.Ms.No.524 as well, in view of the permanent status granted to them. The said request was rejected by the impugned proceedings.

3. The grievance of the petitioners is that once they were given permanent status, they are not only entitled to get the benefit under G.O.Ms.No.100 dated 03.05.2012 and also the benefit extended under G.O.Ms.No.524 dated 21.08.1998, which was not considered by the first respondent.

4. Perusal of the impugned order would show that it is a single line non-speaking order without indicating the reasons for rejecting the claim of these petitioners. Except to state that the request of the petitioners cannot be considered, the first respondent did not say any reasons for arriving at such conclusion. Thus, this Court is inclined to remit the matter back to the first respondent for passing a fresh speaking order on the request made by the petitioners, on merits and in accordance with law.

5. Accordingly, all these Writ Petitions are allowed and the impugned proceedings is set aside. Consequently, the matter is remitted back to the first respondent to pass fresh orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioners, based on G.O.Ms.No.524, Industries (M.I.A) Department, dated 21.08.1999, as it is for the first respondent to consider and pass appropriate orders. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Government of Tamil Nadu
Represented by its Secretary
Industries (MIF 2) Department
Fort St.George, Chennai-600 009.

2.The Government of Tamil Nadu
Represented by its Secretary
Labour and Employment Department
Fort St.George, Chennai-600 009.

+1cc to the Government Pleader Sr.6696
+1cc to Mr.J.Shanmuga Sundara Babu, Advocate Sr.6721

W.P.Nos.34544 to 34547 of 2013

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srg 25/02/2020