

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34458 of 2019
and
W.M.P.No.35146 of 2019

1. G.Indira
W/o.Ashokan
 2. J.Jeyamani
W/o.Nagarajan
- Petitioners

vs.

- 1.The Deputy Registrar
Office of the Deputy Registrar of Co-op. Societies
Asiriyar Nagar, Santhapettai
Tirukovilur.
 - 2.The Joint Registrar of Co-operative Societies
Villupuram Region, Villupuram.
 - 3.Chinnasalem Primary Agricultural Co-op Bank
Rep. by its President
Chinnasalem.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents 1 to 3 to employ the writ petitioners as Clerk or any other equivalent post in the 3rd respondent Bank and pay salary and other benefits to them by taking into account of their employment from 01.09.1999 to 31.08.2001, order of the Labour Inspector, Villupuram vide Na.Ka.No.A/1261/2001 and Na.Ka.No.A/1262/2001 dated 24.08.2001 in the available vacancy, grant them all service and other benefits which they would have got but for their disengagement.

For Petitioners

:Mr.K.Srinivasa Murthy
for M/s.Row & Reddy

For Respondents

:Mr.L.P.Shanmugasundaram
Special Government Pleader
for R1 to R3

O R D E R

This writ petition is filed for issuing a mandamus directing the respondents 1 to 3 to employ the petitioners as Clerk or any other equivalent post in the third respondent-Bank and pay salary and other benefits to them by taking into account of their employment from 01.09.1999 to 31.08.2001, and the order of the Labour Inspector, Villupuram dated 24.08.2001, in the available vacancy and grant them all service and other benefits.

2. Heard both sides.

3. These petitioners claimed that they were appointed as temporary Clerk on 01.09.1999 and an order of appointment in such capacity was subsequently issued, by fixing the scale of pay on 29.03.2001. It is further seen that these petitioners approached the Labour Inspector, Villupuram and filed an application seeking for permanency of their employment. It is further seen that their contentions were considered and an order was passed by the Labour Inspector on 24.08.2001 directing the Management to grant permanent status to these petitioners. However, without implementing the said order, the third respondent seems to have proceeded to disengage the petitioners. Hence, they filed W.P.No.7052 and 7057 of 2008 seeking for mandamus directing the Labour Inspector, Villupuram to take action against the Employer for contravening the provision of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. The said writ petition was disposed of on 24.03.2008 permitting the petitioners to file another representation before the Labour Inspector with further direction to the said official to receive the same and pass orders on merits and in accordance with law.

4. It is stated that the petitioners made further representations, accordingly, on 27.06.2019, 05.07.2019 and 06.07.2019. In between, a proceedings was issued by the Joint Registrar on 13.11.2007 stating that these petitioners could not be engaged, in view of the fall in cadre strength as on that date, available with the third respondent. Now, the petitioners are contesting that there are sufficient vacancies in the third respondent and that the request of the petitioners is to be considered.

5. In view of the fresh representations given by the petitioners as stated supra, by stating that there are vacancies available in the third respondent, it is for the respondents 2 & 3 to consider the said representations and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Deputy Registrar
Office of the Deputy Registrar of Co-op. Societies
Asiriyar Nagar, Santhapettai
Tirukovilur.
- 2.The Joint Registrar of Co-operative Societies
Villupuram Region, Villupuram.

+1cc to the Special Government pleader Sr.6659
+1cc to M/s.Row & Reddy, Advocate Sr.6558
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.7156

W.P.No.34458 of 2019

pa[col]
srg 25/02/2020

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