

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.5009 & 5947 of 2017
and
W.M.P.Nos.5269 and 8434 of 2017

W.P.No.5009 of 2017

1. The General Manager,
Food Corporation of India,
Regional Office,
8, Sathyamurthy Road, FCI,
FSD, Egmore Complex,
Chetpet,
Chennai - 31.
 2. The Area Manager,
Food Corporation of India,
District Office,
No.1, Bharathi Road,
Cuddalore.
 3. The Manager(Depot),
Food Corporation of India, FSD,
Manalur Post,
Chidambaram - 608 602
- ... Petitioners

vs

1. The Deputy Chief Labour Commissioner (C)
Ministry of Labour and Employment
Sastry Bhavan
No.26, Haddows Road, "A" Wing, 5th Floor
Nungambakkam,
Chennai-6.
2. The Regional Labour Commissioner (Central)
Sastry Bhavan
No.26, Haddows Road, "A" Wing, 5th Floor
Nungambakkam,
Chennai-6.

3. The Regional Labour Commissioner (Central)
Suit No.III, I Floor, Kanaga Apartment
13A Lady Doak College Road
Chinna Chokkikulam
Madurai - 625 002.
4. S.Jayakumar
Sardar.
5. G.Kannan,
Mandal.
6. P.Loganathan,
Handling Labour.
7. G.Muthaiyan,
Handling Labour
8. G.Annadurai,
Handling Labour
9. A.Elangovan,
Handling Labour
10. A.Ramesh,
Handling Labour
11. A.Ravi,
Handling Labour
12. V.Dhanapal,
Handling Labour
13. J.Rajesh,
Handling Labour
14. A.Loganathan,
Handling Labour
15. V.Amirthalingam,
Sardar
16. K.Karunakaran,
Mandal.
17. K.Kalalan,
Handling Labour
18. M.Purushothaman
Handling Labour

19. V.Megarajan,
Handling Labour
20. A.Tamilarasan
Handling Labour
- 21.S.Pavadai,
Handling Labour
22. M.Velusamy,
Handling Labour
23. S.Ragunathan,
Handling Labour
24. R.Senthamarai Selvan,
Handling Labour
25. P.Sankar,
Handling Labour
26. T.Veeramani,
Handling Labour
27. A.Govindaraj,
Sardar
28. K.Rajendran,
Mandal.
29. M.Kasinathan,
Handling Labour
30. G.Kathirvelu
Handling Labour
31. K.Rasu,
Handling Labour
32. G.Dhanapal,
Handling Labour
33. K.Karunanidthi,
Handling Labour
34. K.Ezhumalai,
Handling Labour

35. S.Paramandam,
Handling Labour
36. K.Jagan,
Handling Labour
37. G.Gandhi,
Handling Labour
38. B.Samuel,
Handling Labour

4 to 38 respondents are
represented through Vice President,
FCI Workers Union, Registered Office,
No.58/1 D.H.Road,
Kolkatta 700 023.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the second respondent vide proceedings No.95/1/2016 (FCIB2 dated 27.10.2016 and to quash the same and consequently retransfer the Claim Application No.9/16 from the file of the third respondent to the file of the second respondent.

For Petitioners	: Mr.S.Vijayakumar
For Respondents	: Mr.G.Baskaran,
	Central Government Standing Counsel
	for R1 to R3
	Mr.V.Ajoy Khose,
	for R4 to R38.

W.P.No.5947 of 2017

1. The General Manager
Food Corporation of India
Regional Office
8, Sathyamurthy Road, FCI
FSD, Egmore Complex
Chetpet, Chennai-31.
2. The Area Manager
Food Corporation of India
District Office
Tatabad Post, Coimbatore - 12.

3. The Manager (Depot)
Food Corporation of India, FSD
Salem.

... Petitioners

vs

1. The Deputy Chief Labour Commissioner (C)
Ministry of Labour and Employment
Sastry Bhavan
No.26, Haddows Road, "A" Wing, 5th Floor
Nungambakkam,
Chennai-6.
2. The Regional Labour Commissioner (Central)
Sastry Bhavan
No.26, Haddows Road, "A" Wing, 5th Floor
Nungambakkam,
Chennai-6.
3. The Regional Labour Commissioner (Central)
Suit No.III, I Floor, Kanaga Apartment
13A Lady Doak College Road
Chinna Chokkikulam
Madurai - 625 002.
4. S.Chinnasamy
Handling Labour
5. T.Jayakumar
Handling Labour
6. M.Boopathy
Handling Labour
7. C.Murugesan
Handling Labour
8. V.Pachamuthu
Handling Labour
9. C.Chinnasamy
Handling Labour
10. V.Vinoth Kumar
Handling Labour
11. C.Ganesan
Handling Labour

12. M.Govindaraj
Handling Labour
13. P.Madesh
Handling Labour
14. J.Sankar
Handling Labour
15. R.Ramkumar
Handling Labour
16. C.Thangamani
Handling Labour
17. C.Sivakumar
Handling Labour
18. K.Edumban
Handling Labour
19. E.Venkatachalam
Handling Labour
20. K.Govindan
Handling Labour
21. C.Govindan
Handling Labour
22. P.Muthu
Handling Labour
23. V.Saravanan
Handling Labour
24. S.Murugesan
Handling Labour
25. C.Annamalai
Handling Labour
26. G.Murugan
Handling Labour
27. P.Murugan
Handling Labour
28. K.Alraj
Handling Labour

29. T.Ramesh
Handling Labour
30. R.Kasiviswanathan
Handling Labour
31. C.Ramachandran
Handling Labour
32. S.Thangaraj
Handling Labour
33. G.Thangaraj
Handling Labour
34. J.Saravanan
Handling Labour
35. K.Madhu
Handling Labour
36. A.Kumar
Handling Labour
37. K.Arthanari
Handling Labour
38. S.Rajendran
Handling Labour
39. N.Perumal
Handling Labour
40. N.Rathinavel
Handling Labour
41. C.Appusamy
Handling Labour
42. I.Ganesan
Handling Labour
43. T.Prabhakaran
Handling Labour
44. A.Venkatesan
Handling Labour

45. C.P.Mohan
Handling Labour
46. K.Kumar
Handling Labour
47. N.Rajendran
Handling Labour
48. R.Saravanan
Handling Labour
49. N.Selvaraj
Handling Labour
50. S.Srinivasan
Handling Labour
51. A.Rathinavel
Handling Labour
52. P.Anandan
Handling Labour
53. R.Marimuthu
Handling Labour
54. K.Vasanthakumar
Handling Labour
55. S.Alagesan
Handling Labour
56. R.Rangasamy
Handling Labour
57. D.Arun
Handling Labour
58. N.Govindaraj
Handling Labour
59. P.Madesh
Handling Labour
60. A.C.Kaliappan
Handling Labour
61. K.A.Palanisamy
Handling Labour

62. V.Palanisamy
Handling Labour
63. C.Murugesan
Handling Labour
64. S.Iyyanar
Handling Labour
65. C.Settu & Palaniappan
Handling Labour
66. R.Palanisamy
Handling Labour
67. K.Karuppanan
Handling Labour
68. R.Saminathan
Handling Labour
69. V.Palanisamy
Handling Labour
70. K.Muniappan
Handling Labour
71. N.Sivakumar
Handling Labour
72. P.Venkatachalam
Handling Labour
73. N.Gurunathan
Handling Labour
74. N.Govindan
Handling Labour
75. P.Mohan
Handling Labour
76. C.Natraj
Handling Labour
77. P.Kuppusamy
Handling Labour

78. K.Raja
Handling Labour
79. C.Munian
Handling Labour
80. V.Balakrishnan
Handling Labour
81. R.Natraj
Handling Labour
82. M.Raja
Handling Labour
83. S.Sekar
Handling Labour
84. A.Parameswaran
Handling Labour
85. N.Selvaraj
Handling Labour
86. G.Iyyanar
Handling Labour
87. A.Veerabadran
Handling Labour
88. V.A.Palanisamy
Handling Labour
89. R.Palanimurugan
Handling Labour
90. P.Pachiappan
Handling Labour
91. A.Anandan
Handling Labour
92. K.Dhanapal
Handling Labour
93. K.Duraiyan
Handling Labour
94. R.K.Mani
Handling Labour

95. K.Palanisamy
Handling Labour
96. P.Dhanapal
Handling Labour
97. A.Rajendran
Handling Labour
98. C.Ravi
Handling Labour
99. K.Ayyandurai
Handling Labour
100. A.Sivakumar
Handling Labour
101. R.Arulmanikandan
Handling Labour
102. P.Margandan
Handling Labour
103. K.Dhanraj
Handling Labour
104. E.Krishnan
Handling Labour
105. M.Venkatesh
Handling Labour
106. A.Selvam
Handling Labour
107. K.Palanisamy
Handling Labour
108. C.Ramar
Handling Labour
109. P.Madappan
Handling Labour
110. K.Paramasivam
Handling Labour

111. P.Shanmugam
Handling Labour
112. K.Selvam
Handling Labour
113. K.A.Palanisamy
Handling Labour
114. S.Sakthivel
Handling Labour
115. K.Chinnusamy
Handling Labour
116. C.Sivakumar
Handling Labour
117. A.Angappan
Handling Labour
118. P.Sivaperumal
Handling Labour
119. C.Poarmannan
Handling Labour
120. M.Murugesan
Handling Labour
121. S.Rajamanickam
Handling Labour
122. N.Thangavel
Handling Labour
123. S.Selvam
Handling Labour
124. M.Sekar
Handling Labour
125. C.Palanisamy
Handling Labour
126. N.Arivazhagan
Handling Labour
127. V.Ezhumalai
Handling Labour

128. P.Vaiyapuri
Handling Labour
129. E.Kandasamy
Handling Labour
130. G.Krishnan
Handling Labour
131. M.Munian
Handling Labour
132. M.Siddeswaran
Handling Labour
133. K.Venkatachalam
Handling Labour
134. C.Mani
Handling Labour
135. C.Marimuthu
Handling Labour
136. N.Palanisamy
Handling Labour
137. C.Babu
Handling Labour
138. K.Paramasivam
Handling Labour
139. S.M.Raja
Handling Labour
140. A.Raja
Handling Labour
141. K.Perumal
Handling Labour
142. S.Raj
Handling Labour
143. S.Ramesh
Handling Labour

144. S.M.Venkatesan
Handling Labour
145. P.Raja
Handling Labour
146. G.Srinivasan
Handling Labour
147. R.Madhu
Handling Labour
148. R.Sukumar
Handling Labour
149. P.Balakrishnan
Handling Labour
150. B.Balasanjeevi
Handling Labour
151. K.Anandan
Handling Labour
152. V.Kumar
Handling Labour
153. K.Kasimani
Handling Labour
154. P.Sundaram
Handling Labour
155. N.Paramasivam
Handling Labour
156. N.Ramesh
Handling Labour
157. B.Sivaneswaran
Handling Labour
158. C.Rajini
Handling Labour
159. A.Murugesan
Handling Labour
160. A.Krishnan
Handling Labour

161. P.Srirangan
Handling Labour
162. P.Govindaraj
Handling Labour
163. R.Yobu
Handling Labour
164. C.Velumurugan
Handling Labour
165. P.Selvaraj
Handling Labour
166. S.Kalaiarasan
Handling Labour
167. K.Saravanan
Handling Labour
168. G.Punniyakoti
Handling Labour
169. P.Anandan
Handling Labour
170. P.Senthilkumar
Handling Labour
171. R.Vadivel
Handling Labour
172. S.Ashok
Handling Labour
173. I.Kumar
Handling Labour
174. S.Muthukumaran
Handling Labour
175. D.Senthilkumar
Handling Labour
176. P.K.Kumar
Handling Labour

177. P.Suresh
Handling Labour
178. C.Sakthivel
Handling Labour
179. P.Arumugam
Handling Labour
180. N.Varadan
Handling Labour
181. R.John Peter
Handling Labour
182. N.Venkatesan
Handling Labour
183. S.Palaniappan
Handling Labour
184. G.Kumar
Handling Labour
185. K.Muniappan
Handling Labour
186. P.Jayapal
Handling Labour
187. V.Karthikeyan
Handling Labour
188. V.M.Raja
Handling Labour
189. S.Syed Sabi
Handling Labour
190. N.Sathish
Handling Labour
191. N.Peragounder
Handling Labour
192. K.Govindaraj
Handling Labour

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the third respondent vide proceedings No.39/MWA/12/2016-R/M dated 20.12.2016 and to quash the same and consequently, re-transfer the claim Application No.12/2016 from the file of the third respondent to the file of the second respondent.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.G.Baskaran
Central Government Standing Counsel
for R1 to R3

Mr.V.Ajay Khose
for R4 to 192

C O M M O N O R D E R

These writ petitions are filed against the order passed by the 1st respondent namely Deputy Chief Labour Commissioner, transferring the case from the file of the 2nd respondent to the file of the 3rd respondent.

2. Though it is contended by the learned counsel for the contesting respondents/workmen that they had some grievance against the previous officer who held the position of the 2nd respondent office and sought for transferring of the case from his file to the 3rd respondent, in view of the present position that a new officer has come at the 2nd respondent office, these contesting respondents/workmen are not having any objection for the 2nd respondent himself in hearing the matter. Learned counsel appearing for the official respondents has also filed a memo that the previous officer in the office of the 2nd respondent retired on 23.12.2016. He further submitted that the now, the present 2nd respondent himself can hear the matter.

3. In view of the above stated facts and circumstances, both these writ petitions are disposed of by setting aside the order passed by the 1st respondent in transferring the case from the file of the 2nd respondent to the 3rd respondent. Consequently, the 2nd respondent shall hear the subject matter case and pass orders on the same on merits and in accordance

with law after hearing all the parties. The 2nd respondent shall pass such order within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

vsi

To

1. The Deputy Chief Labour Commissioner (C)
Ministry of Labour and Employment
Sastry Bhavan
No.26, Haddows Road, "A" Wing, 5th Floor
Nungambakkam, Chennai-6.
2. The Regional Labour Commissioner (Central)
Sastry Bhavan
No.26, Haddows Road, "A" Wing, 5th Floor
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3. The Regional Labour Commissioner (Central)
Suit No.III, I Floor, Kanaga Apartment
13A Lady Doak College Road
Chinna Chokkikulam, Madurai - 625 002.

+2cc to Mr.S.Vijayakumar, Advocate, SR.No.14934 & 14933.
+1cc to Mr.G.Baskaran, Advocate, SR.No.14544.
+1cc to Mr.V.Ajay Khose, Advocate, SR.No.15461.

W.P.Nos.5009 & 5947 of 2017

NR(CO)
CSR: 17.03.2020