



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2154 of 2020

WEB COPY

K.S.Thankam

... Petitioner

vs.

1.The President,
Thickanamcode Primary Agricultural
Co-operative Bank (Y-201),
Thickanamcode Post,
Kanyakumari District.

2.The Assistant Commissioner of Labour,
(Enforcement),
Authority under the Tamilnadu Industrial Establishment,
(Conferment of Permanent Status to Workmen) Act, 1981,
Nagercoil, Kanyakumari District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the first respondent to implement the Order of the second respondent in Na.Ka.No.3118/2018, dated 30.01.2019 and consequently confer permanent status to the petitioner's appointment as Jewel Appraiser in the first respondent Bank with all monetary and attendant benefits.

For Petitioner : Mr.T.Cibi Chakraborty
For Respondent No.1 : Mr.T.Antony Arulraj
For Respondent No.2 : Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

Through an order, dated 30.01.2019, the second respondent herein was conferred with permanent status to the petitioner in the post of Jewel Appraiser in the first respondent/Society. The petitioner's subsequent representations, calling upon the first respondent to implement the orders of the second respondent, were kept in abeyance, which prompted the petitioner to file the present writ petition.

2.The learned counsel for the petitioner would submit that the order passed by the second respondent herein had become final and therefore, the first respondent is bound to confer permanent status to the petitioner in the said post. The first respondent herein would submit that the Society is governed by the Tamil Nadu Co-



operative Societies Act and Rules, which provides that the eligible persons for the post of Jewel Appraiser shall be appointed from the Employment Exchange and the petitioner's appointment was not in consonance with the Tamil Nadu Co-operative Societies Rules.

3. I am not in agreement with the statement made by the first respondent herein in the counter affidavit. In the order passed by the second respondent herein, the first respondent had contested the same and after taking into account the objections raised by the Bank, the application filed by the petitioner came to be allowed. The first respondent has not challenged the order of the second respondent herein and as such, the order has become final.

4. When a quasi-judicial authority has passed an order by exercising its powers under the Statute, there is no authority or right vested with the first respondent to question such authority and thereby keep the issue of conferment of permanent status in abeyance. As a matter of fact, the first respondent is bound to confer the permanent status to the petitioner from 02.11.2000 onwards, as directed in the order of the second respondent, dated 30.01.2019. The grounds raised by the petitioner would have been appropriate, had it been raised before the order came to be passed by the second respondent and at this stage, the merits of the case touching upon the findings of the second respondent, does not require any consideration.

5. In the light of the above observations, there shall be a direction to the first respondent herein to implement the order of the second respondent, dated 30.01.2019, and thereby confer permanent status to the petitioner in the post of Jewel Appraiser w.e.f., 02.11.2000, with all monetary and service benefits, which exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands allowed. No Costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL



To

1.The President,
Thickanamcode Primary Agricultural
Co-operative bank (Y-201),
Thickanamcode Post,
Kanyakumari District.

2.The Assistant Commissioner of Labour,
(Enforcement),
Authority under the Tamilnadu Industrial Establishment,
(Conferment of Permanent Status to Workmen) Act, 1981,
Nagercoil, Kanyakumari District.

+1 CC to Mr.T.CIBI CHAKRABORTHY, Advocate (SR-7555[F] dated
21/02/2020)

+1 CC to Mr.T.ANTONY ARULRAJ, Advocate (SR-7560[F] dated
21/02/2020)

+1 CC to SPL.GP (SR-7795[F] dated 24/02/2020)

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