



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.13096 of 2015

and

M.P (MD) .No.2 of 2015

- 1.S.Jeyaraman
- 2.S.Duraiaraj
- 3.S.Boominathan
- 4.P.Sundaram
- 5.S.Alagarsamy
- 6.S.Fransis
- 7.V.Kumar
- 8.S.Ramadhas
- 9.A.Subramani
- 10.R.Panneer Selvam
- 11.P.Karunanithi
- 12.K.Muniappa
- 13.E.Bose
- 14.R.Manickam
- 15.S.Marimuthu
- 16.K.Mohan
- 17.R.Kadasamy
- 18.K.Sakthivel
- 19.R.Natarajan
- 20.S.Arulmurugan
- 21.K.Prahasekar
- 22.M.Selvakumar
- 23.P.Ganesan
- 24.P.Bose
- 25.S.Nagaraj
- 26.T.Arumugam
- 27.A.Pathinettan
- 28.S.Veerayan
- 29.K.S.Gurusamy
- 30.M.Ravi
- 31.K.Krishnan
- 32.A.George
- 33.R.Karnan
- 34.B.Manimakaran
- 35.S.Asaithambi
- 36.G.Baskaran
- 37.K.Elangovan
- 38.S.Chelladurai
- 39.S.Samykannu



40.M.Thirukannan
41.V.Gopala Krishnan
42.K.Karuppasamy
43.M.Karuppaiah
44.S.Muniasamy
45.L.Selvaraj
46.M.Selvam
47.P.Mookaiah
48.V.Chellappa
49.A.Ravichandran
50.B.Rajeswaran
51.S.Palani
52.P.Sundarapandi
53.C.Rengaraj
54.M.Ravichandran
55.P.Harikrishnan
56.S.Karuppasamy
57.V.Anbalagan
58.M.Murugan
59.S.Janakiraman
60.C.Tamilarasan

... Petitioners

-Vs-

1.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Thanjavur Region, Thanjavur.

2.The Assistant Manager,
Quality Control,
Tamil Nadu Civil Supplies Corporation Ltd.,
Santhanam Godown, Pillayarpatti,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to regularize the petitioners as Load man by considering their continues employment in terms of Tamil nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act 1981.

For Petitioner : Mr.R.Muralai
For Respondents : Mr.R.Vijayakumar

ORDER

The relief sought for in the present writ petition is to direct the respondents to regularize the services of the petitioners as Load Man by considering their continuous employment in terms of Tamilnadu Industrial Establishment (Conferment of Permanent Status) Worksmen Act, 1981.

2.Presuming that the petitioners have got a right under the Conferment of Permanent Status Act, the writ petition for grant of



relief under the Conferment of Permanent Status Act directly cannot be entertained. This apart, the application of the Conferment of Permanent Status Act as far as the employees of the Civil Supplies Corporation Act is also to be considered. However, all these disputed facts with reference to the facts and circumstances of the employees working in Civil Supplies Corporation cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. Such disputed facts are to be adjudicated with reference to the documents and evidences available before the competent forum. As far as the grant of regularization or permanent absorption is concerned, Civil Supplies Corporation is not the State within the meaning of Article 12 of the Constitution of India. Thus, the service regulation framed by the Civil Supplies Corporation would be applicable to its employees. The legal principles are also settled by the Constitution Bench of the Honourable Supreme Court of India in the case of **Secretary, State of Karnataka and others Vs., UmaDevi (3) and others** reported in (2006) 4 Supreme Court Cases 1. Therefore, the High Court cannot issue a direction to regularize the services of the employees and even in **Govindasamy's case**, the Hon'ble Apex Court of India held that under Article 226 of the Constitution of India, the High Court cannot issue any direction for grant of regularization or permanent absorption cannot be granted. Regularization and permanent absorption sought to be granted only in accordance with the Rules. Provided the initial appointment is in accordance with the regulation and the employees are eligible for such regularization. In the present writ petition, the relief as such sought for to grant regularization under the provisions of the Conferment of Permanent Status Act cannot be granted by the High Court in a writ proceedings and therefore, the petitioner is at liberty to approach the competent authority for the purpose of redressal of their grievances, if they otherwise qualified in accordance with the regulation and in consonance with the principles laid down by the Constitution Court.

3. With these observations, the Writ Petition stands disposed of. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-)

+1.CC TO Mr.R.Vijayakumar, Advocate in SR No.26514

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rmk

PK/18.01.2021 : 3P/2C

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