



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.25965 of 2019

U.Dhanasekaran

... Petitioner

/vs./

1.The Joint Registrar/Managing Director,
Ramanathapuram District General,
Co-operative Bank Limited,
No:265B, Vandikkara Street,
Ramanathapuram.

2.The Inspector of Labour,
Authority under the Tamil Nadu,
Industrial Establishment (Conferment of
Permanent Status to Workmen) Act, 1981

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to regularize the services of petitioner as Jewel Appraiser w.e.f., 04.09.1999 by conferring permanent status in the light of the order passed by the second respondent/competent authority dated 31.07.2014 under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and grant all monetary and other services benefits to which the petitioner entitled to.

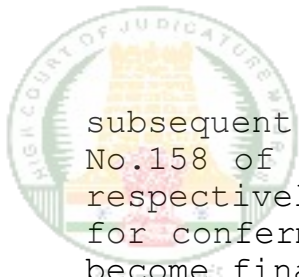
For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The case of the petitioner is that he was originally engaged as a Jewel Appraiser on casual employment with effect from 04.09.1999. Since the petitioner claimed to have completed 480 days of continuous services, he had filed a petition under Section 6(4) of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act and by an order, dated 31.07.2014, the second respondent herein had directed to absorb him as a permanent employee, with effect from 28.12.2000.

2.The first respondent had attempted to challenge the award before this Court in W.P.(MD)No.17930 of 2014 and by order, dated 10.11.2014, this Court dismissed the writ petition and the



subsequent Writ Appeal (MD) No.250 of 2015 and Review Application (MD) No.158 of 2015 have also been rejected on 27.04.2015 and 18.11.2016 respectively. As such, the order of the second respondent directing for conferment of permanent status in favour of the petitioner, had become final.

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3. In this connection, when the petitioner had given representations on 22.02.2019 and 03.04.2019 seeking for permanent status, the same were kept pending without passing any orders, which prompted the petitioner herein to file the present writ petition.

4. It is not in dispute that the petitioner herein was originally appointed as a Jewel Appraiser and the order passed by the second respondent, dated 31.07.2014 directing for conferment of permanent status with effect from 28.12.2000 had become final. While that being so, the first respondent herein has no other options, except to comply with the order of the second respondent, dated 31.07.2014 and thereby extend permanent status to the petitioner's service.

5. The learned Government Advocate appearing for the respondents would state that during the petitioner's service, he had indulged in certain misconducts and therefore, he was discharged from his services. The learned counsel for the petitioner would oppose such a submission stating that there was no order of discharge passed by the first respondent herein and that the allegation of misconducts are totally baseless.

6. I do not intend to go into the veracity of the allegations made by the counsels, since it would be outside the scope of the present writ petition and what is required to be considered in the present case is as to whether the order of the statutory authority has been disregarded? The law expects the first respondent to comply with the order passed by a statutory authority, which the first respondent has failed to do and therefore, this Court would be justified in directing the first respondent to comply with the order of the second respondent by invoking its extraordinary powers under Article 226 of the Constitution of India.

7. In the light of the above observations, there shall be a direction to the first respondent herein to regularize the services of the petitioner as a Jewel Appraiser, with effect from 28.12.2000 by conferring permanent status to the petitioner, in accordance with the orders of the second respondent dated 31.07.2014 and consequently grant all monetary and other service benefits to the petitioner, from the date of conferment of permanent status. Such an exercise shall be done at least within a period of four weeks from the date of receipt of a copy of this order.



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8.The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

sj i

To

1.The Joint Registrar/Managing Director,
Ramanathapuram District General,
Co-operative Bank Limited,
No:265B, Vandikkara Street,
Ramanathapuram.

2.The Inspector of Labour,
Authority under the Tamil Nadu,
Industrial Establishment (Conferment of
Permanent Status to Workmen) Act, 1981

+1 CC to Mr.S.BALAMURUGAN, Advocate (SR-4903[F] dated 05/02/2020)

+1 CC to SPL GP (SR-5133[F] dated 06/02/2020)

Order made in
W.P. (MD) No.25965 of 2019
05.02.2020

VB(02.03.2020) 3P 5C