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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 19885 of 2012

and

M.P. No. 1 of 2012

M/s. Tiruttani Co-operative Sugar Mills Ltd.,  
rep. by its Administrator/Joint Registrar,  
Thiruvalangadu - 631 210,  
Thiruvallur District.

... Petitioner

-vs-

1. The Deputy Chief Inspector of Factories,  
Prescribed Authority under the T.N. Industrial Establishments  
(Conferment of Permanent Status to Workmen) Act, 1981,  
Thiruvallur.
2. Dhina Kuli Thozhilalar Sangam,  
M/s. Tiruttani Co-operative Sugar Mills Ltd.,  
Thiruvalangadu - 631 210,  
Thiruvallur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, praying to call for the order dated 24.01.2011 made in Case No. 1 of 2009 on the file of the First Respondent and quash the same.

For Petitioner : Mr. S.Sivashanmugam

For Respondents : Mr. C.Harsha Raj,  
Government Counsel (for R1)

Mr. J.Muthukumaran (for R2)

O R D E R

(through video conference)

Heard Mr. S.Sivashanmugam, Learned Counsel for the  
Petitioner, Mr. C.Harsha Raj, Learned Government Counsel



appearing for the First Respondent and Mr. J.Muthukumaran, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

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2. The contention of the Petitioner in the Writ Petition is that though it is an 'establishment' within the meaning of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as 'the Act' for short), the nature of employment of the concerned persons was 'seasonal', which is exempted under Section 1(3) of that Act. Reliance is placed in this regard on the decision of the Division Bench of this Court in Perambalur Sugar Mills Employees Union Ltd -vs- Perambalur Sugar Mills Ltd. (Order dated 21.09.2001 in W.A. No. 211 of 1998). However, it is seen from the impugned proceedings that the Petitioner had entered appearance, but had not filed any counter raising any dispute on the aforesaid aspects which are now canvassed before this Court. Inasmuch as the interests of justice requires that there must be a factual determination on the correctness of the rival submissions for effectual adjudication of the matter, this Court by order dated 25.10.2021 had required the Petitioner to pay a sum of Rs. 25,000/- by way of demand draft in favour of the Second Respondent towards costs as condition for setting aside the impugned order and remitting the matter for fresh consideration and report compliance in that regard.

3. When the matter is taken up for hearing today, it is represented by Learned Counsel for the Second Respondent that the Petitioner has paid the sum of Rs. 25,000/- by Demand Draft No. 952468 dated 29.10.2021 drawn on Indian Bank in favour of the Second Respondent and he has filed a memo dated 01.11.2021 to that effect through e-mail, which is placed on record. Consequently, the impugned order dated 24.01.2011 in Case No. 1 of 2009 passed by the First Respondent is set aside and the same is restored to file and the shall be listed for next hearing on 29.11.2021 before the First Respondent. The Petitioner shall peremptorily file its Counter in Case No. 1 of 2009 on that date and the contesting parties shall appear in person or through their authorized representative. If the First Respondent is not in a position to take up the matter on the said date, the date to which it is adjourned shall be informed in the prescribed manner. It shall be ensured by the First Respondent that there is atleast one effective hearing every week showing progress of the case, that full opportunity of hearing is afforded to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, that reasoned orders are passed dealing with each of the contentions raised by them on merits and in accordance with law, that the decision taken is communicated to the concerned parties under written



acknowledgment and that proof of such compliance is filed by 31.03.2022 before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Deputy Chief Inspector of Factories,  
Prescribed Authority under the T.N. Industrial Establishments  
(Conferment of Permanent Status to Workmen) Act, 1981,  
Thiruvallur.

Copy to

1. The Registrar (Judicial),  
Madras High Court,  
Chennai - 600 104.

W.P. No. 19885 of 2012

KSM(CO)  
SU(16/11/2021)