



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5387 of 2021

Kanyaspin Thozhilalar Sangam 13 KKM (CITU),
rep. by its General Secretary,
S.Sakthivel,
S/o E.Sendooran

...Petitioner

Vs.

1.The Deputy Chief Inspector of Factories,
and Authority under Tamil Nadu
Industrial Establishments
(Conferment of Permanent Status to Workmen) Act, 1981,
Tirunelveli.

2.The Managing Director,
The Kanniyakumari District Co-operative Spinning Mills Ltd.,
Post Bag No.1, Aralvaimozhi - 629 301,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to confer permanent status to the members of the Petitioner's Trade Union, in the light of the Order passed by the Respondent No.1, dated 03.12.2012 under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mrs.VPM.Vaishnavi for R1
Government Advocate For R1

O R D E R

Since no adverse order is going to be passed against the second respondent, notice to the second respondent is dispensed with. By consent of the available parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to confer permanent status to the members of the Petitioner's Trade Union, in the light of the Order passed by the Respondent No.1, dated 03.12.2012 under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 02.02.2021, which is still pending.



3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 02.02.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 02.02.2021, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

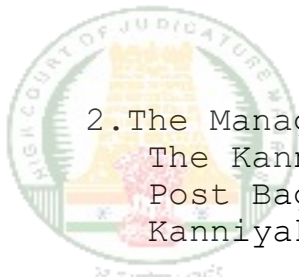
/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Deputy Chief Inspector of Factories,
and Authority under Tamil Nadu
Industrial Establishments
(Conferment of Permanent Status to Workmen) Act, 1981,
Tirunelveli.



2.The Managing Director,
The Kanniyakumari District Co-operative Spinning Mills Ltd.,
Post Bag No.1, Aralvaimozhi - 629 301,
Kanniyakumari District.

+1 CC to M/s.SPL GP (SR-10612[F] dated 11/03/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10958[F] dated
15/03/2021)

W.P. (MD) No.5387 of 2021
11.03.2021

TP (CO)
KB(16.04.2021) 3P 5C