



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.10854 of 2021

B.Seetha Lakshmi

... Petitioner

vs.

1.The Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workman) Act, 1981,
Dindigul.

2.The President,
D.D.568, V.Ammapatti Primary Agricultural
Co-operative Credit Society,
V.Ammapatti, Achanampatty Post,
Vedachanthur Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to implement the order passed by the first respondent in ப.நி.ச.வ.எண் .01/2021 ந.க.ஆ.எண் .538/2020 நாள் : 31.05.2021 and consequently direct the second respondent to regularize the service of the petitioner as Clerk/Jewel Appraiser with effect from 02.01.2020 with all other consequential and attendant monetary benefits.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For R - 1	: Mr.P.Subbaraj Government Advocate
For R - 2	: Mr.A.K.Manickam

ORDER

This Writ Petition is filed for a direction to the second respondent to implement the order passed by the first respondent, dated 31.05.2021 in ப.நி.ச.வ.எண் .01/2021 ந.க.ஆ.எண் .538/2020 and consequently direct the second respondent to regularize the service of the petitioner as Clerk/Jewel Appraiser with effect from 02.01.2020 with all other consequential and attendant monetary benefits.

2.Heard the learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Government Advocate, who accepts notice on behalf of the first respondent and Mr.A.K.Manickam, learned counsel, who accepts notice on behalf of the second respondent.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



4. According to the petitioner, she has completed Under Graduation course in Karnataka State Open University and she has also completed Diploma in Co-operative Management through Tamil Nadu Co-operative Union. Subsequently, she has completed certificate course of Diploma in Jewel Appraisal and its Techniques through Tamil Nadu Co-operative Union and has also completed Diploma in Computer Application. Based on the resolution passed by the second respondent Society, the petitioner was appointed as Computer Operator and she has been continuously working from 02.01.2018 and subsequently, based on the resolution passed by the second respondent Society, she was paid consolidated pay of Rs.6,000/- p.m., w.e.f. 01.01.2019. In the meantime, the petitioner has submitted petition before the first respondent under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, seeking direction to regularize her service in the second respondent Society. The second respondent Society entered appearance and filed counter and specifically admitted that the petitioner has been working in the said Society for more than 3 years and she has been working in the post of Clerk/Jewel Appraiser, besides doing the job of Computer Operator. After hearing the parties, the first respondent, vide order dated 31.05.2021, held that the petitioner is entitled for regularization on completion of 2 years of her service w.e.f. 02.01.2020 and directed the second respondent to regularize her service within a period of 30 days. Since the time limit fixed by the first respondent has already expired, the petitioner sent representation to the second respondent on 01.06.2021, seeking to implement the order passed by the first respondent, but so far, no action has been taken on the side of the second respondent. Hence, the petitioner has come out with the present Writ Petition.

5.Mr.A.K.Manickam, learned Standing Counsel appearing for the second respondent on instructions, submitted that within a period of four weeks, the order passed by the first respondent will be implemented.

6.In view of the same, the Writ Petition is disposed of directing the second respondent to implement the order passed by the first respondent, with regard to regularization of the petitioner's service, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (ADII)

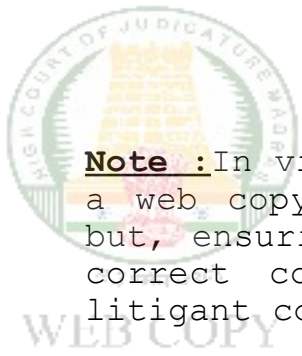
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workman) Act, 1981,
Dindigul.

2.The President,
D.D.568, V.Ammapatti Primary Agricultural
Co-operative Credit Society,
V.Ammapatti, Achanampatty Post,
Vedachanthur Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-21019[F] dated 02/07/2021)

+1 CC to M/s.D.SHANMUGA RAJA SETHUPATHI, Advocate (SR-21129[F]
dated 05/07/2021)

W.P (MD) No.10854 of 2021
01.07.2021

LS (CO)
KB(13.07.2021) 3P 5C