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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3855 of 2022

and

W.M.P.Nos.3994, 3995 & 3997 of 2022

1. G.Senthilkumar
2. M.Malarvannan
3. K.Eswari

...Petitioners

Vs

1. The Director/the Registrar of Milk Co-operatives
Milk Production and Dairy Development
Aavin Illam
3A, Pasumpon Muthuramalinganar Salai
Nandanam, Chennai - 600 035
2. The Deputy Registrar (Dairying)
Krishnagiri District, Krishnagiri.
3. The General Manager
The Krishnagiri District Co-operative
Milk Producers Union Ltd.
Krishnagiri - 635101.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus, to call for the records pertaining to the relieving order dated 11.03.2021 vide Na.Ka.No.8403/Nirvagam-2/2018 passed by the 3rd respondent and quash the same so far as the petitioners and consequently direct the respondents to reinstate the petitioners by regularising their service with the 3rd respondent Co-Operative Union with effect from their date of joining in service.

For Petitioners: Mr.A.Suresh Sakthi Murugan

For R1 & R1 : Mr.P.Ganesan
Additional Government Pleader

For R3 : Mr.A.Selvendran
Special Government Pleader



O R D E R

This Writ Petition has been filed to call for the records pertaining to the relieving order dated 11.03.2021 vide Na.Ka.No.8403/Nirvagam-2/2018 passed by the 3rd respondent and to quash the same so far as the petitioners and consequently direct the respondents to reinstate the petitioners by regularising their service with the 3rd respondent Co-Operative Union with effect from their date of joining in service.

2. Brief facts of the case:

The petitioners had completed the technical education in the trade of Fitter and obtained the National Trade Certificates and had registered their names in the Employment Office. Whiles, their names were sponsored by the District Employment Officer, Krishnagiri through letter No.A3/I2/3914/2016 dated 30.11.2016, letter No.A3/X2/2765/2017 dated 08.09.2017 and letter No.A3/X2/1939/2017 dated 19.06.2017 for the apprenticeship training with the 3rd respondent Co-operative Union. Subsequently, they were selected in the interview conducted by the 3rd respondent and joined in the respective posts as per the proceedings issued by the third respondent. After completion of one year apprenticeship training, the petitioners continued to work as direct contract workers as Trade Machine Men in the Mechanical Section of the Krishnagiri Feeder balancing dairy with the 3rd respondent Co-operative Union till 22.01.2019. Subsequently, on 23.01.2019, they were appointed as Daily wagers in the vacant posts of Trade Machine in the Mechanical Section vide Na.Ka.No.8403/Nirvagam - 2/2018 dated 23.01.2019 issued by the 3rd respondent and they worked as daily wagers from 23.01.2019 to 27.03.2021 and therefore, the petitioners have completed 480 days of continuous service with the 3rd respondent Union and are entitled to permanency in the respective vacant post in which they worked as contract workers and daily wagers. But the 3rd respondent all of a sudden issued an impugned order dated 11.03.2021 by relieving the petitioners from the service with effect from 27.03.2021 despite the assurance given by the 3rd respondent that the petitioners service will be regularized after obtaining necessary orders from the Government and the Superior Authority. Thereafter they filed a petition under Section 2A of the Industrial Disputes Act before the Assistant Commissioner of Labour (Conciliation), Krishnatigi and the conciliation proceedings were on the verge of failure. Hence, the present petition has been filed with the above relief.

3. The learned counsel for the petitioner would submit that the petitioners herein undergone Apprenticeship training, worked as direct contract workers and appointed as Daily Wagers through a common order and were relieved from service on 27.03.2021



through a common order by the third respondent union. Further, he would submit that though the petitioners have possessed the required qualification work experience, which fulfils the mandatory substantial rule prescribed in Rule 149(1) of the Tamil Nadu Co-operative Societies Rules, 1988, the respondents have removed them from service instead of regularize their service. Hence, seeks to quash the impugned order of termination of the petitioners from the service and further, he seeks for a liberty to make representation to the respondent and to direct the respondents to consider the same.

4.The learned counsel Additional Government Pleader appearing for the respondents would submit that the petitioner's representation will be considered and appropriate orders will be passed in accordance with the law.

5.Heard the learned counsels on either side and perused the materials placed on record.

6.In view of the above facts and circumstances of the case, this Court is inclined to give a liberty to the petitioners to make a representation before the respondents and directed the respondents to consider the petitioners representation in accordance with law.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Director/the Registrar of Milk Co-operatives
Milk Production and Dairy Development
Aavin Illam
3A, Pasumpon Muthuramalinganar Salai
Nandanam, Chennai - 600 035
2. The Deputy Registrar (Dairying)
Krishnagiri District,
Krishnagiri



3. The General Manager
The Krishnagiri District Co-operative
Milk Producers Union Ltd.
Krishnagiri - 635101.

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+3cc to Mr.Suresh Sakthi Murugan, Advocate, S.R.No.12178

+1cc to the Government Pleader, S.R.No.12784

W.P.No.3855 of 2022

MT (CO)
RGA (18/03/2022)