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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.8106 OF 2022

AND

W.M.P.NOS.8089, 8090 & 8091 OF 2022

1.P.Durairaj
2.L.Afroz Ali
3.M.Dhinakaran

... Petitioners

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Co-operative Societies Department,
Secretariat, Rajaji Salai,
Chennai - 600 009.
2. The State of Tamil Nadu
Rep. by its Secretary to Government,
Animal Husbandry & Fisheries
(MP.II) Department, Secretariat, Chennai - 600 009.
3. The Special Commissioner
for Milk Production and Dairy Development,
Chennai - 600 051.
4. The Director/The Registrar of
Co-operative Milk Production and Dairy Developments,
Aavin Illam, 3A, Pasumpon Muthuramalinga
Thevar Road, Nandanam, Chennai - 600 035.
5. The General Manager,
The Dharmapuri District Co-operative Milk Producers
Union Ltd., Krishnagiri,
Krishnagiri District.
6. The Deputy General Manager (Production),
Feeder Balance Dairy,
The Dharmapuri District Co-operative
Milk Producers Union Ltd.,
Krishnagiri, Krishnagiri District.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of 5th respondent in Na.Ka.no.8403/Nirvagam-2/2018 dated 11.03.2021 and quash the same and consequently, direct the respondents herein to confer the Permanent Status of the Petitioner w.e.f. May, 2020 and pay all attendant benefits including the reinstatement in the said society.

For Petitioner : Mr.A.Ilayaperumal

For R1 to 4 : Mrs.S.Anitha
Special Government Pleader

For R5 & 6 : Mrs.Geetha Thamaraiselvan
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus, to quash the impugned relieving order dated 06.09.2018, and consequently directing the respondents to reinstate the petitioners into service with consequential benefits.

3. The case of the petitioner in brief:

The petitioners had completed the Technical Course of ITI (Mechanic and Mechatronics/ Fitter) and their names were sponsored by the District Collector of Krishnagiri District, through the District Employment Exchange and they had undergone one year Apprenticeship Training in the Cooperative Milk producers Limited. Dharmapuri District. Thereafter, they were appointed as Technical Casual Labour in the Society by the 4th respondent and they have joined the service on 26.09.2018 as Trade Machine Man in the Society.

3.1. The petitioners had completed two years of service as Technical Casual Labour and as per the assurance made by the 5th respondent, they expected that the respondents 4 to 6 will provide permanent status to them. The petitioners had also made several representations to the respondents to make them as permanent status of employee, under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. But, the 4th respondent vide order dated 11.03.2021, had relieved the petitioners from service.



According to the petitioners, they have worked for more than 480 days in 24 calendar months and therefore, they are entitled for regularization of service. But the respondent Society stopped the petitioners from working. Hence this writ petition.

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4. The learned counsel appearing for the petitioners submitted that the petitioners undergone Apprenticeship Training and had worked as Casual Labour workers, however, they were relieved from service, vide impugned order dated 11.03.2021. He would further submit that the petitioners have possessed the required qualification and work experience, which fulfills the mandatory substantial Rule prescribed in Rule 149(1) of the Tamil Nadu Co-operative Societies Rules, 1988. However, the respondents relieved them from service, instead of regularize their service and hence, the relieving order is liable to be quashed.

5. Though the writ petition has been filed to quash the impugned relieving order, the learned counsel appearing for the petitioner submitted that liberty may be granted to the petitioners to make representation to the respondents and the respondents may be directed to consider the same and to pass appropriate orders.

6. The learned Special Government Pleader appearing for the respondents submitted that, if the petitioners made representations, the same will be considered by the authorities concerned and appropriate orders will be passed in accordance with law.

7. In view of the above submission, this court passes the following order.

i) Liberty is granted to the petitioners to make a representation before the respondents.

ii) On such representation being made by the petitioners, the respondents shall consider the same and pass orders on its own merits, in accordance with law.

8. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petition are closed.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

mst



To

1. The Secretary to Government,
State of Tamil Nadu,
Co-operative Societies Department,
Secretariat, Rajaji Salai,
Chennai - 600 009.
2. The Secretary to Government,
State of Tamil Nadu,
Animal Husbandry & Fisheries (MP.II) Department,
Secretariat, Chennai - 600 009.
3. The Special Commissioner for
Milk Production and Dairy Development,
Chennai - 600 051.
4. The Director/The Registrar of
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5. The General Manager,
The Dharmapuri District Co-operative
Milk Producers Union Ltd.,
Krishnagiri, Krishnagiri District.
6. The Deputy General Manager (Production),
Feeder Balance Dairy,
The Dharmapuri District Co-operative
Milk Producers Union Ltd.,
Krishnagiri, Krishnagiri District.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.23192

W.P.No.8106 of 2022

PM(CO)
RLP(27/04/2022)