



WEB COPY



W.P.No.29468 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29468 of 2022

J.Ramesh

... Petitioner

Vs

1. The Industries Commissioner and Director of Industries and Commerce,
Department of Industries and Commerce,
SIDCO Industrial Complex,
Guindy, Chennai-32.
2. The Chief Executive Officer,
The INDCOSERVE,
No.35, Church Road,
Coonoor-643 101
The Nilgiris District.
3. The Joint Director (Tea),
INDCOSERVE Campus,
Coonoor-643 101,
The Nilgiris District.
4. The Additional Director (Tea),
INDCOSERVE Campus,
Coonoor, The Nilgiris.
5. The Director-Bikkattyindco Tea Factory,
The INDCOSERVE,
No.35, /church Road,
Coonoor-643 101
The Nilgiris District.



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6. The Managing Director,
The Bikkatty Industrial Cooperative Tea Factory Limited,
Bikkatty, IND.1703, Bikkatty P.O.,
The Nilgiris - 643 209.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 6 to take appropriate decision expeditiously to regularise and deploy the petitioner in a permanent post under the regular scale of pay on par with his Co-employees who are also the regular staff in sympathetic and lenient manner within a stipulated period of time.

For petitioner	...	Mr.S.Saravanan
For Respondents	...	Mr.S.Balamurugan
		Government Advocate
		For R.1 to R.5
		Ms.Vasanthamala
		Government Advocate
		For R.6

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 6 to take appropriate decision expeditiously to regularise and deploy the petitioner in a permanent post under the regular scale of pay on par with his Co-employees who are also the regular staff within a time frame to be fixed by this Court.

<https://www.mhc.tn.gov.in/judis> 2. The petitioner claims that he is working as a Watchman for the past 27



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years, but, his service has not been regularised. The petitioner has given a representation on 07.12.2018 requesting the respondents to regularise the petitioner in a permanent post on par with his co-employees. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.S.Saravanan, learned counsel for the petitioner and Mr.S.Balamurugan, learned Government Advocate accepts notice on behalf of the respondents 1 to 5 and Ms.Vasanthamala, learned Government Advocate accepts notice on behalf of the sixth respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Government Advocates appearing for the official respondents would submit that the petitioner has already been regularised in service as Watchman, but, however, there are no promotional avenue for the petitioner in view of there being no vacancy for the present.

5. However, the learned counsel for the petitioner would reiterate that till date, the petitioner's service has not been regularised by the respondents.



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6. No prejudice would be caused to the respondents if the petitioner is allowed to submit a fresh representation seeking for his regularisation and on receipt of the said representation a direction is issued to the respondents to consider the same on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the sixth respondent requesting to regularise his service as Watchman with effect from the date of his original appointment within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the sixth respondent shall pass final orders on merits and in accordance with law within a period of eight weeks thereafter.

With the aforesaid direction, the writ petition is disposed of. No costs.

16.11.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
sr



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ABDUL QUDDHOSE,J.,

SR

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