



WEB COPY



W.P. No.32345 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32345 of 2022

and

W.M.P. Nos.31734 of 2022

B. Arunkumar

...Petitioner

VS.

1. The Joint Director,
Industrial Supply & Health – I,
No.228, 15th Street,
Near State Bank of India,
Sathuvachari,
Vellore – 632 009.

2. The General Manager,
Vellore District Co-operative
Milk Producer Union,
Sathuvachari,
Vellore – 9.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 1st respondent to dispose of the application filed before him in Na.Ka.No.E/1882/2022, dated 08.11.2022 seeking regularisation of the service of the petitioner under section 3(1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981.

For petitioner : Mr.S.T.Varadarajalu

For respondents : Mr.G. Nanmaran,
Special Government Pleader for R1
Mrs.V. Yamuna Devi
Special Government Pleader for R2



W.P. No.32345 of 2022

ORDER

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

2. Mr.G. Nanmaran, learned Special Government Pleader accepts notice for the 1st respondent and Mrs.V. Yamuna Devi, learned Special Government Pleader accepts notice for the 2nd respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to pass final orders on the petitioner's application, dated 01.11.2022 seeking for regularisation of his service under Section 3 (1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981, within a time frame to be fixed by this Court.

4. The petitioner claims that he has been in continuous service with the 2nd respondent Society from 01.02.2020. He has submitted an application on 01.11.2022 under Section 3(1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981 seeking for his regularisation. The application is admittedly still pending on the file of the 1st respondent. The petitioner seeks for early disposal of his application. At the same time, he seeks protection of his



W.P. No.32345 of 2022

employment with the 2nd respondent till final orders are passed by the 1st respondent.

5. Heard Mr.S.T. Varadarajalu, learned counsel for the petitioner; Mr.G. Nanmaran, learned Special Government Pleader for the 1st respondent and Mrs.V. Yamuna Devi, learned Special Government Pleader for the 2nd respondent.

6. According to the learned Special Government Pleader appearing for the 2nd respondent, the petitioner is not entitled for regularisation as prayed for in his application dated 01.11.2022 submitted under Section 3(1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981 as he has not been in continuous service. However, the same is disputed by the learned counsel for the petitioner.

7. No prejudice would be caused to the respondents, if the petitioner's application, dated 01.11.2022 referred to supra submitted under Section 3(1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981 is considered on merits and in accordance with law by the 1st respondent and final orders are passed thereafter.



W.P. No.32345 of 2022

WEB COPY

8. Since the petitioner claims that he has been working for the 2nd respondent Society, ever 01.02.2020, his right to continue in employment should not be defeated till final orders are passed by the 1st respondent in his application dated 01.11.2022 submitted under Section 3(1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981.

9. For the foregoing reasons, this writ petition is disposed of by directing the 1st respondent to pass final orders on merits and in accordance with law on the petitioner's application, dated 01.11.2022 seeking for regularisation of his service under Section 3(1) of the Tamil Nadu Industrial Establishment (Permanent Status of Workmen) Act 1981, within a period of twelve weeks from the date of receipt of a copy of this order.

10. Till final orders are passed by the 1st respondent, if the petitioner is found to be a genuine worker engaged by the 2nd respondent, it is made clear that the 2nd respondent shall not disturb the petitioner.



W.P. No.32345 of 2022

11. With the aforesaid directions, this writ petition stands disposed

of. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2022

(1/2)

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To

1. The Joint Director,
Industrial Supply & Health – I,
No.228, 15th Street,
Near State Bank of India,
Sathuvachari,
Vellore – 632 009.

2. The General Manager,
Vellore District Co-operative
Milk Producer Union,
Sathuvachari,
Vellore – 9.



WEB COPY



W.P. No.32345 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. No.32345 of 2022

01.12.2022

(1/2)