



WEB COPY



W.P. No.32349 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.32349 of 2022**

**and**

**W.M.P. No.31738 of 2022**

K.Balaji

...Petitioner

VS.

1. The Joint Director,  
Industrial Supply & Health – I,  
No.228, 15<sup>th</sup> 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 1<sup>st</sup> respondent to dispose of the application pending 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.



W.P. No.32349 of 2022

For petitioner : Mr.S.T.Varadarajalu  
For respondents : Mr.G. Nanmaran,  
Special Government Pleader for R1  
Ms.V. Yamuna Devi  
Special Government Pleader for R2

**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 1<sup>st</sup> respondent and Mrs.V. Yamuna Devi, learned Special Government Pleader accepts notice for the 2<sup>nd</sup> respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 1<sup>st</sup> 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 2<sup>nd</sup> 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



W.P. No.32349 of 2022

seeking for his regularisation. The application is admittedly still pending on the file of the 1<sup>st</sup> respondent. The petitioner seeks for early disposal of his application. At the same time, he seeks protection of his employment with the 2<sup>nd</sup> respondent till final orders are passed by the 1<sup>st</sup> respondent.

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

6. According to the learned Special Government Pleader appearing for the 2<sup>nd</sup> 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



W.P. No.32349 of 2022

accordance with law by the 1<sup>st</sup> respondent and final orders be passed thereafter.

8. Since the petitioner claims that he has been working for the 2<sup>nd</sup> respondent Society, ever since 01.02.2020, his right to continue in employment should not be defeated till final orders are passed by the 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> respondent, if the petitioner is found to be a genuine worker engaged by the 2<sup>nd</sup> respondent, it is made clear that the 2<sup>nd</sup> respondent shall not disturb the petitioner.



W.P. No.32349 of 2022

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

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

**01.12.2022**

(2/2)

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To

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WEB COPY



W.P. No.32349 of 2022

**ABDUL QUDDHOSE, J.**

vsi2

**W.P. No.32349 of 2022**

01.12.2022

(2/2)