



WEB COPY

W.A(MD)No.124 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A(MD)No.124 of 2022

and

C.M.P (MD)No.1231 of 2022

The President,
D.D.568, V.Ammapatti Primary Agricultural
Cooperative Credit Society,
V.Ammapatti,
Achanampatty Post,
Vedachanthur Taluk,
Dindigul District.

.. Appellant/
2nd Respondent

Vs.

1.B.Seetha Lakshmi

.. 1st Respondent /
Petitioner

2.The Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workman) Act, 1981,
Dindigul.

.. 2nd Respondent/
1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 01.07.2021 passed in W.P(MD)No.10854 of 2021 by the learned Single Judge.

Prayer in WP(MD). 10854/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus or any other order or direction in the nature of writ directing the 2nd respondent to implement the order passed by the 1st respondent in Pa.Nee.sa.Va.No.01/2021 (Na.Ka.AA.No.538/2020) dt.31.05.2021 and consequently direct the 2nd respondent to regularize the service as clerk/jewel appraiser with effect from 02.01.2020 with all other consequential and attendant monetary benefits and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.



For Appellant : Mr.S.Balamurugan
For Respondent No.1 : Mr.D.Shanmugaraja Sethupathi
For Respondent No.2 : Mr.J.Ashok,
Additional Government Pleader.

J U D G M E N T

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 01.07.2021 recorded on W.P(MD)No.10854 of 2021. This appeal is by the second respondent in the writ petition. The matter pertains to regularisation of service of the writ petitioner. The learned Single Judge, on the basis of the material on record has allowed the claim of the writ petitioner and given direction to implement the order passed by the first respondent i.e., Assistant Commissioner of Labour, Authority under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981, Dindigul.

2. Learned advocate for the appellant and learned Additional Government Pleader for the second respondent have submitted that, the order passed by learned Single Judge is unsustainable and would encourage backdoor entries, therefore this appeal be entertained.

3. Learned advocate for the workman has submitted that, the claim of the petitioner was rightly considered by the competent authority under the labour machinery established by the State and on examination thereof, when the petitioner was found to be entitled to certain benefits, the respondents ought to have given effect thereto and they erred by not implementing the order passed by the Assistant Commissioner of Labour and therefore the direction given by learned Single Judge to implement the order of the said authority can not be said to be erroneous. It is submitted that this appeal be dismissed.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that, the finding recorded by the learned Single Judge, confirming the order passed by the Assistant Commissioner of Labour, in our view, can not be said to be erroneous in any manner and therefore no interference is required in the impugned order. This appeal therefore needs to be dismissed.



5. For the above reasons, this appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn/40

To

The Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workman) Act, 1981,
Dindigul.

+1 CC to M/s.SPL GP (SR-6753[F] dated 17/02/2022)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-6926[F] dated 17/02/2022)

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-6987[F] dated 18/02/2022)

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nsn(CO)
TR(28.02.2022) 3P 5C