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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD) No.11883 of 2015
and
W.M.P(MD).No.2 of 2015

The Commissioner,
Dindigul Municipal Corporation,
Dindigul,
Dindigul District ... Petitioner

-vs-

1.The Authority under the
Tamil Nadu Industrial Establishments,
(Conferment of Permanent Status to workmen) Act, 1981
The Inspector of Labour,
Dindigul.

2.Mariammal ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the first respondent herein in his proceedings in C.P.No.5 of 2009 dated 28.12.2011 and quash the same.

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For Petitioner : Mr.J.Lawrance
For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1
Mr.Sarvagan Prabhu
for Mr. D.Selvaraja for R2

O R D E R

This petition has been filed seeking a writ of Certiorari, calling for the records of the first respondent herein in his proceedings in C.P.No.5 of 2009 dated 28.12.2011 and quash the same.

2. The learned counsel for the petitioner submitted that during the pendency of this writ petition, there was a settlement with the second respondent. In the terms of settlement, it was agreed that the second respondent's service is regularized from 2006 .

3. The learned counsel for the second respondent submitted that the service of the second respondent was regularized and she has also filed a counter affidavit. The relevant paragraph is extracted hereunder:

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"I state that as per the order of this Hon'ble Court in W.P(MD).No.16436 of 2012 dated 12.02.2015, the petitioner herein has not complied with the order. Hence, I filed contempt application in 932 of 2015 and the same is pending. In the mean time, the petitioner herein filed the above writ petition challenging the order of the first respondent before this Hon'ble Court and interim stay has been granted. During the pendency of the above writ petition we all the sanitary workers has a settlement with the above petitioner municipality and arrived in to a settlement and accepted for regularization of our service from the year 2006 (As per the order issued by the petitioner municipality)."

4. The learned counsel for the second respondent submitted that 50% of the temporary service may be calculated for the pension benefits.

5. On perusal of records, it is seen that the service of the second respondent was regularized from 01.07.2006 and nothing survives for further adjudication in this writ petition and this Court cannot pass any further orders in this writ petition. If there is any grievance, it is open to the second respondent to take up the matter in the manner known to law.

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6. Accordingly, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

18.07.2022

Index:Yes/No
Internet:Yes
TTA

To
The Authority under the
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(Conferment of Permanent Status to workmen) Act, 1981,
The Inspector of Labour,
Dindigul.

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G.CHANDRASEKHARAN, J.

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