



W.P.No.29729 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.29729 of 2012 and
W.M.P.Nos. 1 & 2 of 2012

Dina Kooli Thozhilalar Sangam,
Reg.No.55/T.V.M.
Rep. by the Secretary,
Cheyyar Co-operative Sugar Mills,
Anakkavur, Thenmandalam,
Thiruvannamalai District-604 107.

... Petitioner

Vs.

1. The State of TamilNadu
Represented by the Secretary,
Department of Co-operation,
Fort. St., George,
Chennai-600 009.

2. The Registrar of Co-operative Societies/Commissioner of Sugar,
No.690, Anna Salai,
Chennai-35.

3. The Management,
Cheyyar Co-operative Sugar Mills Ltd.,
Anakkavur, Thenmandalam,
Thiruvannamalai District-604 407.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent dated 26.06.2012 in Na.Ka.No.1036/2010/E1/1 and the order passed by the second respondent in RC.No.12651/SL2/2012 dated 11.10.2012 quash the same and consequently direct the Third respondent to absorb the members of the petitioner union in the vacancies in the third respondent Mill as per the award of the Labour Court in I.D.No.70 of 2004 dated 08.09.2010.

For Petitioner	: Ms.D.Geetha
For Respondents 1 & 2	: Mr.G.Ameedius, Government Advocate
For Respondent 3	: Mr.M.Alagu Gowtham Government Advocate

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ORDER

This Writ Petition has been filed to quash the impugned proceedings in Na.Ka.No.1036/2010/E1/1 dated 26.06.2012 passed by the third respondent and the impugned proceedings in



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RC.No.12651/SL2/2012 dated 11.10.2012 passed by the second respondent and prayed for consequential directions to direct the third respondent to absorb the members of the petitioner union in the vacancies in the third respondent mill as per the award of the Labour Court in I.D.No.70 of 2004 dated 08.09.2010.

2. Through the impugned letter dated 26.06.2012 in RC.No.1036/10/E1, the Administrator, Cheyyar Co-operative Sugar Mills Ltd., proposed for filling up of vacancies in Cheyyar Co-operative Sugar Mills Ltd., and hence this writ petition is filed by the petitioner's sangam on the ground that filling up of vacancies would frustrate the award of the Labour Court in I.D.No.70 of 2009 dated 08.09.2010, while the validity of the said award was pending for adjudication in W.P.No.14998 of 2011.

3. Today when this matter is taken up for consideration, it is brought to the notice of this court by the counsel on either side that W.P.No.14998 of 2011 filed by the respondent was dismissed by the



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learned single judge of this court by an order dated 29.04.2019 and the appeal filed against the said order in Writ Appeal No.914 of 2020 by the 3rd respondent was also disposed of by learned Division Bench of this Court vide order dated 16.10.2023. The learned counsels for either side also stated that by virtue of the said order in W.A.No.914 of 2020 the process for regularization of the services of the members of the petitioner sangam is under process.

4. In the light of the above, unless or until the process in terms of the order passed in W.A.No.914 of 2020 is concluded, the question of undertaking the recruitment process under impugned proceedings does not arise. Therefore, the impugned proceedings are liable to be set aside and accordingly they are set aside leaving it open to the respondents to take further steps completing the process in terms of order passed in W.A.No.914 of 2020 dated 16.10.2023.



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5. Accordingly, this Writ Petition is disposed of. No costs.

Connected Miscellaneous petitions, if any, shall stand closed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To

1. The Secretary,
Department of Co-operation,
Fort. St., George,
Chennai-600 009.
2. The Registrar of Co-operative Societies/Commissioner of Sugar,
No.690, Anna Salai,
Chennai-35.
3. The Management,
Cheyyar Co-operative Sugar Mills Ltd.,
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MUMMINENI SUDHEER KUMAR, J.

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