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W.P.No.8566 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8566 of 2020

and

W.M.P.No.10356 of 2020

D.Thavamani
S/o.N.Duraisamy

... Petitioner

Vs.

1. The Commissioner of Sugars
No.690, 2nd Floor, Periyar Building
Anna Salai, Nandanam
Chennai-600 035.
2. The Managing Director
Dharmapuri District Co-operative Sugar Mill Ltd.,
Palacode,
Dharmapuri District.
3. The Chief Engineer
Dharmapuri District Co-operative Sugar Mill Ltd.,
Palacode,
Dharmapuri District.
4. The Superintendent
Dharmapuri District Co-operative Sugar Mill Ltd.,
Palacode,
Dharmapuri District.



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5. The Labour Officer
Dharmapuri District Co-operative Sugar Mill Ltd.,
Palacode,
Dharmapuri District.

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize and promote the petitioner to the next level in the 2nd respondent based on the representation dated 05.03.2020 with all monetary and service benefits.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1, R3 to R5
Mr.R.Balaramesh, for R2

ORDER

The petitioner has filed this writ petition seeking for a writ of Mandamus to regularize his service and promote him to the next level in the 2nd respondent by considering his representation dated 05.03.2020 with all monetary and service benefits.



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2. Heard Mr.C.Prabakaran, learned counsel for the petitioner, Mr.T.Arunkumar, learned Additional Government Pleader for respondents 1, 3 to 5 and Mr.R.Balaramesh, learned counsel for second respondent.

3. The petitioner, who has been appointed originally as a Writer on 14.05.1996 was laid off from 13.11.2008. The petitioner raised an Industrial Dispute in I.D.No.219 of 2010 and got an award in respect of reinstatement of service alone without backwages and service benefits. It is learnt that the petitioner has challenged the award in respect of denial of backwages and other attendant benefits by filing a writ petition in W.P.No.29678 of 2015 and the same is pending.

4. Now, the petitioner has filed the present writ petition by stating that he has been reinstated, but the respondents are attempting to promote his juniors to the post of Writer. Even though the petitioner had claimed in the ID that he has to be reinstated as Writer, he has been reinstated



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only as canteen employee (casual labour). The award has been passed without any backwages and other attendant service benefits and his appointment is considered as a fresh appointment. In such cases, the petitioner cannot claim any parity to his erstwhile juniors. The petitioner has filed a writ petition in W.P.No.29678 of 2015 seeking backwages and other attendant and service benefits and the same is pending. As on today, the award of the Labour Court stands good and the petitioner was not given with any relief in respect of service benefits and his appointment is considered as a fresh appointment.

5. Therefore, this Court is of the view that the present writ petition is prematured in nature, in view of the writ petition in W.P.No.29678 of 2015 filed for seeking the relief of backwages and other attendant and service benefits. Without getting any relief therein, the petitioner cannot maintain this petition and the same is liable to be dismissed.



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6. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

15.12.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking

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To

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R.N.MANJULA, J.

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