



WEB COPY



W.P.No.9379 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.9379 of 2020
and WMP No.11462 of 2020

1. G.Thangamal
W/o.Govindan

2. P.Rajamani
W/o.Subramani

... Petitioners

Vs.

The Chief Executive officer,
Tamil Nadu khadi and Village Industries Board,
5th Floor,
Kuralagam,
Chennai 600 108

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent to dispose of the representation dated 20.03.2020 submitted by the petitioners in accordance with law by complying with the order of the Assistant Commissioner appointed under the Tamil Nadu Industrial Worker



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(conferment or permanent status to Workmen) Act, 1981 dated 114.10.2019 in PA.Ni.S.Va.No.12/2018 and 13/2018 (Na.Ka.No.E/2337/2018 and 2338-2018) by regularizing the service of the petitioners and conferring permanent status on the petitioners w.e.f the day they completed 480 days of employment in the respondent by promoting the petitioners as Khadi Assistant Grade III and pay all consequential benefits including retirement benefits to the petitioners within a time frame fixed by this Court.

For Petitioner : Mr.R.Venkatavaradhan
for Mrs.C.Uma

For Respondents : Mr.S.K.Bose

ORDER

This Writ Petition has been filed for a direction to the Respondent to dispose of the representation dated 20.03.2020 submitted by the petitioners in accordance with law by complying with the order of the Assistant Commissioner appointed under the Tamil Nadu Industrial Worker (conferment or permanent status to Workmen) Act, 1981 dated 114.10.2019 in PA.Ni.S.Va.No.12/2018 and 13/2018 (Na.Ka.No.E/2337/2018 and 2338-2018) by regularizing the service of



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the petitioners and conferring permanent status on the petitioners w.e.f the day they completed 480 days of employment in the respondent by promoting the petitioners as Khadi Assistant Grade III and pay all consequential benefits including retirement benefits to the petitioners within a time frame fixed by this Court.

2. The petitioners were appointed as Senior Spinners on 23.03.1988 in the Respondent Board and they worked continuously for more than 480 days and continue to work in the respondent Board till date by selling Khadi Articles. Totally, 319 persons were appointed as Senior Spinners. Except 97 persons including the petitioners, all others were made permanent employees of the Board. Since the Conciliation proceedings with the Deputy Commissioner of the Respondent had failed, the Deputy Commissioner sent a failure report to the Government by his proceedings dated 07.11.2021. The petitioners filed writ petition before this Court in WP No.10341 of 2014 and the said writ petition was disposed of with a direction to the petitioners to approach the Authority under the Tamil Nadu Industrial Workers (Conferment of Permanent



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Status to Workmen) Act, 1981. Pursuant to the above order, the petitioners filed a petition before the Dindigul Workmen Assistant Commissioner seeking a direction to the respondent to confer permanent status on the petitioners. The Assistant Commissioner by an order dated 14.10.2019, directed the respondent to regularize the service of the petitioners and to pay all consequential benefits to the petitioners within 30 days from the date of that order. The respondent did not comply with the said order dated 14.10.2019 even lapse of more than six months. Therefore, the petitioners in this regard had submitted a representation to the respondent to comply with the order passed by the Assistant Commissioner dated 14.10.2019. Since, the representation submitted by the petitioners did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel for the petitioners submitted that the petitioners who worked for more than 480 days and continue to work till date, are entitled to get permanent status and promotion to the post of Khadi Assistant Grade III, in view of the order passed by the Workmen



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Assistant Commissioner and therefore, prays this Court to pass appropriate orders.

4. Mr.S.K.Bose, learned Standing Counsel, takes notice for respondent and submits that if a period of two weeks time is granted, the respondents would consider the representation of the petitioners and pass appropriate orders.

5. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

6. Considering the submissions made on both side, without going into the merits of the case, there shall be a direction to the respondent to consider the representation dated 20.03.2020 and pass appropriate orders, in light of order dated 14.10.2019, passed by the Dindigul Workmen Assistant Commissioner, within a period of two weeks from the date of receipt of a copy of this order.



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7. This Writ petition is disposed of with the above directions.

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

23.11.2023

Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To
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