



WEB COPY



W.P.No.30932 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.30932 of 2016

and

W.M.P.Nos.26798 to 26800 of 2016

V.Vasanth

... Petitioner

Vs.

1.The Commissioner of Sugars,
690, Anna Salai,
Nandanam, Chennai - 600 045.

2.The Managing Director,
Subramaniya Siva Co-operative Sugar Mills
Gopalpuram,
Alapuram PO, Papireddipatti (Tk),
Dharmapuri District - 636 904.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents to regularize the services of the petitioner in the post of Cane Assistant from the date of joining in the said post and consequently provide him all the service benefits including monetary benefits arising thereof.



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For Petitioner : Ms. S.Girija
For Respondents :
For R1 : Mr. T.M.Rajangam
For R2 : Mr. R.Bala Ramesh

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the respondents to regularize the services of the petitioner in the post of Cane Assistant from the date of joining in the said post and consequently provide him all service benefits.

2. The facts narrated by the petitioner in the affidavit filed in support of the writ petition are that he joined as Pan Mazdoor in the second respondent Sugar Mills on 30.06.1999. He was assigned duty of Assistant (Incharge) from 30.06.2011 and thereafter, he was posted as Cane Assistant on promotion during the year 2012-2013, though on temporary basis.

3. The petitioner possesses requisite technical qualification having passed one year certificate course in Agriculture, and therefore, the petitioner was entitled to be regularized in the post of Cane Assistant.

4. Despite the petitioner having discharged his duties sincerely, he was



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not considered for regularization. The petitioner also sent a detailed representation to the respondents on 11.08.2016.

5. The petitioner came to know that the respondents were planning to revert him to his original post of Office Assistant to justify and fill up direct recruitments for which, a notification had been given. The petitioner has approached this Court with a request to keep one post of Cane Assistant vacant, out of six posts that were called for, vide communication dated 14.06.2016.

6. The first and second respondents have filed a counter stating that the petitioner did not possess the requisite qualification eligible for the post of Cane Assistant, and therefore, he is not entitled to regularize the said post.

7. However, when the matter is taken up, Mr.R.Bala Ramesh, learned counsel appearing for the second respondent would bring it to the notice of this Court that the petitioner's services were terminated and subsequently the petitioner was also reinstated to the post of Office Assistant in Section 153 proceedings before the first respondent (Commissioner of Sugars).

8. In such view of the matter and recording the statement of the learned



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counsel for the second respondent, the writ petition does not survive for consideration.

9. The learned counsel for the petitioner is unable to confirm the said submission made by the learned counsel for the second respondent, regarding termination and the subsequent reinstatement to the earlier post of Office Assistant.

10. Recording the statement of the learned counsel for the second respondent, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

15.06.2023

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes / No

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To



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P.B.BALAJI, J.

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