



WEB COPY



W.P.No.23901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23901 of 2023

and

W.M.P.No.23411 of 2023

S.Gokulraj

...Petitioner

Vs.

1.The Joint Managing Director

Tamil Nadu Co-operative Milk Producers Federation Ltd
Plot Nos.29 and 30, Industrial Estate
Ambattur, Chennai - 600098.

2.The General Manager

Tamil Nadu Co-operative Milk Producers Federation Ltd
Dairy Cum Powder Plant,
Ammapalayam, Thiruvannamalai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records culminating in issuance of impugned notice published in www.aavinmilk.com and www.tenders.tn.gov.in issued by the first respondent calling for packing of Ghee in various packing on piece rate basis for one year 2023 - 2024 at Dairy cum Powder Plant Ammapalayam Thiruvannamalai, quash the same.



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For Petitioner : Mr.N.Alagu Narayanan
for M/s.RRN Legal

For Respondents : Mr.I.John Arockia Das
Standing Counsel

ORDER

The Petitioner herein filed this writ petition challenging the auction notice issued by the first respondent, calling for tenders for packing of Ghee in various packing on piece rate basis for one year 2023 - 2024 at Dairy cum Powder Plant in Ammapalayam Thiruvannamalai.

2. It is the case of the petitioner that he joined as casual labour in the second respondent unit on 01.02.2015 and his co-employees had approached the Deputy Director, Industrial Safety and Health Department Thiruvannamalai, for regularization of their services in I.D.No.1 of 2018 and I.D.No.1 of 2019. The said authority has allowed the claim made by similarly placed employees and directed the respondents to regularize their services in the second respondent unit. It is also stated that the same was challenged before this Court in W.P.No.25642 of 2021 and the order for regularization granted by the said authority has not been stayed by this Court. Now, the first

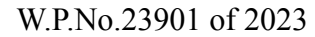


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respondent has issued a tender notification for selecting contractors for packing of Ghee on piece rate basis for one year 2023 – 2024.

3. The learned counsel for the petitioner submits that when there is a specific direction to the respondents to regularize the services of the employees, who are similarly placed as the petitioner, the respondents ought not to have called for tender for selecting contractors. If the respondents are allowed to proceed with the finalization of the tender and contractor is selected, it will prejudice the petitioner's employment.

4. Mr.I.John Arockia Das, learned Standing Counsel, who takes notice for the respondents 1 and 2, on instructions, submitted that the order passed by the Deputy Director, the Industrial Safety and Health Department Thiruvannamalai, was challenged before this Court in WP.Nos.25636 and 25642 of 2021 and this Court was pleased to grant interim stay of the operation of the order. Therefore, the petitioner cannot take shelter under the order passed by the said authority granting regularization in favour of the co-employees of the petitioner.



6. Accordingly, this Writ Petition is dismissed. No costs.

14.08.2023

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



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