



W.P.No.13141 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13141 of 2017
and
W.M.P.Nos.14128,
22053 and 35433 of 2017

S.Sethumadhavan

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by the Deputy Secretary to Government,
Industries (MIC.2) Department,
Secretariat, Chennai-600 009.

2.The Director of Sugar,
No.690, Anna Salai,
Nandanam, Chennai-600 035.

3.South India Sugar Research Foundation,
Represented by its Chairman,
Governing Council, Nandanam,
Chennai-600 035.

4.The Director,
Sugar Research Institute,
Ammundi, Vellore Sugar Mills (Post),
Vellore District-632 519.

... Respondents



W.P.No.13141 of 2017

Prayers : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Pro.No.SRI./E/1266/2011 dated 16.05.2017 to quash the same and to issue consequential directions to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.P.Kumaravel
for Mr.M.Ravi

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
for R1&R2

: No appearance for R3

: Mr.Dr.T.Seenivasan
Special Government Pleader
for R4

ORDER

This Writ Petition has been filed to quash the order of the 4th respondent dated 16.05.2017 and to issue consequential directions to reinstate the petitioner in service with all consequential benefits.

2.The petitioner was serving on daily wage basis as Casual



W.P.No.13141 of 2017

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Worker / Office Assistant from 1992 onwards in the 4th respondent/Sugar Institute. Subsequently, the petitioner was orally terminated from service on 08.11.2004. Therefore, he raised an industrial dispute with the Labour Department. On the basis of assurance given by the management, he withdrew the same and he was allowed to continue in service. Thereafter, he made representation dated 18.04.2011 to the 2nd respondent requesting to appoint him as Office Assistant in the vacancy arising on 01.05.2011. Since there was no response, even after a vacancy arose on 01.05.2011, the petitioner filed W.P.No.12288 of 2011 seeking direction to the authorities to regularize his services from 1992. By order dated 11.07.2011, this Court issued directions to the 2nd Respondent to pass orders on the recommendation letter of the 4th respondent dated 09.08.2010 for absorbing the petitioner as Office Assistant. Even though the petitioner completed the period of probation on 10.11.2012 no order was passed to this effect. The 4th respondent submitted a letter dated 25.03.2014 requesting to take up the matter with the Government/First Respondent and clarify the rule position in this region. Since no consequential order was passed by the 4th



W.P.No.13141 of 2017

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respondent, the Petitioner has submitted a representation dated 10.11.2015 to the first respondent but it was not considered till date. Hence, the petitioner has filed W.P.No.5512 of 2016 seeking for directions to the respondent and the same is pending. In the meanwhile, the impugned order is passed. Hence, this Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner was appointed as casual worker on daily wage basis without following the rules and regulations of the 4th respondent Institute. The petitioner was not completed 10th standard and he was not appointed through employment office. Further, the service rules has been approved by the III Governing Council of the South India Research Foundation held on 23.12.1992. Rules 3-10 states Adoption of Government Rules for the Staff of South India Sugar Research Foundation. The Governing Council noted that at present Government Rules are followed for the staff of the institute with regard to pay, dearness allowance, leave and other establishment matters. The Governing Council also noted



W.P.No.13141 of 2017

WEB COPY

that the facilities extended to the staff of the co-operative and public sector sugar mills were also extended to the staff. It also noted and ratified the above procedure and authorised the continuance of the same procedure till separate rules for the employees of the South India Sugar Research Foundation are framed. He would further submit that the Government Order in G.O.Ms.No.1962, Public (Service G) was not followed for appointment of the petitioner. Hence, the petitioner is not entitled to reinstate in service with all consequential benefits.

4.On a perusal of the records, it is seen that the petitioner passed 9th standard and has been engaged as casual labour on temporary daily wage basis. The petitioner was appointed by the 4th respondent and he is not an Authority to appoint him or reinstate him into service. Rule 27A of the General Rules states if no order is passed by the Competent Authority with regard to completion of probation, the employee shall be deemed to have complete the period of probation on the due date and as per the proviso under Rule 27A, a formal order has to be issued by the Competent authority



W.P.No.13141 of 2017

namely, the 4th respondent herein. Further, he was not sponsored by the Employment Exchange. The petitioner was appointed without following the rules and regulations of the Government. Hence, he is not entitled for reinstatement in the respondent Institute. As the petitioner's employment is irregular, if he is eligible for any other benefits, the same can be considered.

Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

14.12.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

1. Deputy Secretary to Government,
Government of Tamil Nadu,
Industries (MIC.2) Department,
Secretariat,
Chennai-600 009.

2. The Director of Sugar,
No.690, Anna Salai,



W.P.No.13141 of 2017

Nandanam, Chennai-600 035.

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3.The Chairman,
South India Sugar Research Foundation,
Governing Council,
Nandanam,
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W.P.No.13141 of 2017

V.BHAVANI SUBBAROYAN, J,

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