



WEB COPY



W.P.No.27211 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27211 of 2017

and W.M.P.No.29081 of 2017

Salem Mandala Anaithu Paniyalargal
Sangm, (Registration No.944/SLM)
Rep by its General Secretary,
Having registered Office at
No.44A, Mariamman Koil Street,
Hashthampatti,
Salem-07

.. Petitioner

Vs.

1. The Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.

2.The Management,
4091 Mallasamuthiram Primary Agricultural
Co-op, Credit Society Limited,
Mallasamuthiram (Post),
Thiruchengode Taluk,
Namakkal District,
Pin-637 503.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or direction more in nature of Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent pertaining to G.O.(D).No.46 Labour (Ma) Employment Department dated 31.01.2017 and quash the same and further direct the 1st respondent to refer the dispute raised by the petitioner union for adjudication by an appropriate forum



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created under the provisions of the I.D.Act 1947.

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For petitioner : M/s.K.V.Shanmuganathan
For Respondents : Mr.M.S.Prem Kumar,
Government Advocate for R1
: M/s.L.P.Shanmugasundaram for R2

ORDER

Assailing the impugned order in G.O.(D).No.46, Labour (Ma) Employment Department dated 31.01.2017 passed by the 1st respondent, the present Writ Petition has been filed.

2. It is the case of the petitioner that two of its workmen who are working in the 2nd respondent society namely one Ms.Gokula Prabha as a computer operator & another R.Muthukrishnan as a Driver, were not granted permanent status despite their continuous services in the 2nd respondent society for several years. Therefore, the petitioner approached the Conciliation Officer seeking permanency, pursuant to which, the conciliation proceedings were initiated which ended up in failure. Upon receipt of the failure report from the Labour Officer, the 1st respondent has passed the present impugned G.O.(D).No.46 dated 31.01.2017 refusing to refer the dispute before the Labour Court. Challenging the same, the



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petitioner is before this Court.

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3. Though this Writ Petition has been filed challenging the impugned G.O.(D).No.46 dated 31.01.2017, when the matter is taken up for hearing, learned counsel for the petitioner submitted that without interfering with the impugned G.O, liberty may be granted to the petitioner to approach the authority under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to workmen) Act, 1981.

4. In view of the aforesaid submission of the learned counsel for the petitioner, this Writ Petition stands closed with liberty to the petitioner to workout their remedy in the manner known to law. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

NHS

To

The Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.

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