



W.P.(MD)No.4013 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4013 of 2020

and

W.M.P.(MD)Nos.3406 to 3408 of 2020

Parameshwari

... Petitioner

Vs.

1. Authority of Tamil Nadu,
Tamil Nadu Employees Permanency Act 1981 /
Assistant Commissioner of Labour,
Trichy.

2. The Deputy Registrar,
Co-operative Society,
Tiruchirapalli.

3. Y.T.12 National College Council Employees,
Co-operative Society Employees Limited,
National College Campus,
Trichy - 620 001.

... Respondents



W.P.(MD)No.4013 of 2020

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Pa.Ve.No.34/2019 dated 23.01.2020 issued by the second respondent and quash the same as illegal and consequently directing the respondents 2 and 3 to forbear from terminating the service of the petitioner without following due process of law.

For Petitioner : Mr.J.Pandi Dorai
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned order in Pa.Ve.No.34/2019, dated 23.01.2020 passed by the second respondent, quash the same and consequently, direct the respondents 2 and 3 to forbear from terminating the service of the petitioner without following due process of law.

2. The case of the petitioner is that the petitioner joined the service of the second respondent on 01.11.2011 and she was posted as



W.P.(MD)No.4013 of 2020

WEB COPY

Accountant / Writer in the third respondent College. On 01.09.2013, a Resolution was passed by the Board of Directors and her salary was enhanced to INR Thirteen Thousand Five Hundred per month. She had been working for more than eight years. The third respondent did not confer her status as permanent and therefore, she filed a petition under Section 3 of Conferment of Permanent Status to Workmen Act, 1981 before the first respondent seeking to confer her service status as permanent under the Act. The third respondent was a party to the said proceedings. The first respondent allowed her petition and passed a final order in Na.Ka.No. 677/2019, dated 27.12.2019 to regularise the service of the petitioner within a period of thirty days from the date of the date of receipt of the order. While so, the second respondent has passed the impugned order, dated 23.01.2020 to terminate the irregular employees who were appointed under Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that already, the petitioner has obtained an order from the Labour Court



W.P.(MD)No.4013 of 2020

under the Conferment of Permanent Status to Workmen Act and the award was passed in favour of the petitioner. When the award was in subsistence, the second respondent has no power to issue a direction to terminate the service of the petitioner, which is contrary to the award passed by the Labour Court. Hence, this Court may extend the interim order granted at the admission stage, to enable the petitioner to work out the remedy before the Labour Court, where the award is passed.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court without interfering with the order impugned in the Writ Petition, extends the interim order already granted by this Court for a period of four weeks from the date of receipt of a copy of this order so as to enable the petitioner to approach the Labour Court, where the award is passed.



W.P.(MD)No.4013 of 2020

WEB COPY

6. With the above observations, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

04.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Assistant Commissioner of Labour,
Authority of Tamil Nadu,
Tamil Nadu Employees Permanency Act 1981,
Trichy.
2. The Deputy Registrar,
Co-operative Society,
Tiruchirapalli.
3. Y.T.12 National College Council Employees,
Co-operative Society Employees Limited,
National College Campus,
Trichy - 620 001.



WEB COPY



W.P.(MD)No.4013 of 2020

M.DHANDAPANI,J.

vji

**W.P.(MD)No.4013 of 2020
and
W.M.P.(MD)Nos.3406 to 3408 of 2020**

04.01.2023