



W.P.(MD)No.10484 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10484 of 2018

and

W.M.P.(MD)Nos.9589 to 9591 of 2018

- 1.S.Chandran
- 2.V.Murugan
- 3.G.Archunan
- 4.S.Murugan
- 5.N.Selvam
- 6.E.Manickam
- 7.E.Subramanian
- 8.K.Sivalingam
- 9.S.Balasubramani
- 10.M.Chandran
- 11.P.Mahendran
- 12.C.Radhakrishnan
- 13.K.Ramesh
- 14.P.Periyasamy



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15.N.Gopalakrishnan

16.M.Bhaskaran

17.S.Santhanamuthu

18.R.Kalayarasan

19.P.Maharasan

20.N.Sankararaj

21.S.Murugan

22.R.Chinnaraj

23.A.Govindasamy

... Petitioners

Vs.

1.The Commissioner,
Dairy Milk Production & Development Department,
Mathavaram,
Chennai-600 051.

2.The General Manager, AAVIN,
Madurai District Cooperative Milk Producers Society Ltd.,
Milk Cold Storage Station,
Madurai-20.

3.Madurai District Cooperative Milk Producers Society Ltd.,
Mild Cold Storage Station,
Theni,
Theni District,
Through its General Manager.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Employment Notification issued by the second respondent in Advertisement No.2/2018, dated 16.04.2018 in the Web-site advertised in the Dinamalar Tamil Newspaper on 24.04.2018 quash the same in so far as notifying 25 posts of Factory Assistants for direct recruitment is concerned and consequently forbearing the respondents herein from filling up any of the posts of Factory Assistants until the petitioners are regularised as Factory Assistants in the third respondent under the control of second respondent.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.G.V.Vairam Santhosh - for R1
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned Employment Notification issued by the second respondent in Advertisement



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No.2/2018, dated 16.04.2018 in the Web-site advertised in the Dinamalar Tamil Newspaper on 24.04.2018 and consequently forbearing the respondents herein from filling up any of the posts of Factory Assistants until the petitioners are regularised as Factory Assistants in the third respondent under the control of second respondent.

2. The case of the petitioners is that the petitioners are working as Factory Assistants in the third respondent under the control of the second respondent. The petitioners were appointed as per rule of appointment and sponsoring by the Employment Exchange since 1995 on daily wage and most of the petitioners have completed 23 years of continuous and clean service. However, without regularizing the petitioners' appointment the respondent issued notification, dated 16.04.2018 to fill up the post of daily wages. Challenging the said notification the present writ petition is filed.

3. However, the learned counsel for the petitioners would submit that during the pendency of the writ petition, the petitioners' services were regularised on the basis of award passed by the Labour Court in an



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Industrial Dispute and liberty may be granted to the petitioners to make representation to disbursement of the balance salary.

4. In view of the above submission, nothing survives for further adjudication. Accordingly, this writ petition is closed. However, liberty is granted to the petitioners to make representation for disbursement of the balance salary. No costs. Consequently connected miscellaneous petitions are closed.

24.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

To

1. The Commissioner,
Dairy Milk Production & Development Department,
Mathavaram,
Chennai-600 051.



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M.DHANDAPANI,J.

RM

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