



W.P.No.20995 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **19.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.20995 of 2015
and W.M.P.No.24081 of 2016
and M.P.No.2 of 2015

1.A.Jagannathan

2.R.Jayakrishnan

3.K.Ravi

4.B.Raveendran

5.K.Subramanian

6.G.Ravikumar

... Petitioners

-VS-

1.The Government of Tamil Nadu,
represented by its Secretary,
Personnel and Administrative Reforms Department,
Chennai – 600 009.

2.The Secretary,
Animal Husbandry Dairy and Fisheries (MP II) Department,
Fort St. George,



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Chennai – 600 009.

3.The Commissioner,
Milk Production and Dairy Development,
Madhavaram, Chennai – 51.

4.The General Manager.
The Coimbatore District Co-operative
Milk Producers Union Ltd.,
New Dairy Complex,
Pachapalayam,
Kalampalayam Post,
Perur via. Coimbatore.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified mandamus calling for the records of the 4th respondent in respect of the Employment Notification dated 17.6.2015 issued vide advertisement NO. 4545/ESTT-1/2015-16 quash the same, insofar as it call for applications to fill up the post of Heavy Vehicle Drivers and consequently direct the respondents to regularize the services of the petitioners with effect from the date of their respective first appointment with all other attendant service benefits including monetary benefits.

For petitioners : Mr.J.Abishek

For respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader,



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for R1 to R3.

Mr.P.Narayanamoorthy, for R4.

ORDER

This writ petition has been filed to call for the records of the 4th respondent in respect of the Employment Notification dated 17.6.2015 issued vide advertisement NO. 4545/ESTT-1/2015-16 quash the same, insofar as it call for applications to fill up the post of Heavy Vehicle Drivers and consequently direct the respondents to regularize the services of the petitioners with effect from the date of their respective first appointment with all other attendant service benefits including monetary benefits.

2. This writ petition has been filed during the pendency of the writ petition in W.P.No.17195 of 2010 which was filed for a mandamus directing the respondents 1 and 3 therein to issue appropriate orders enabling the 4th respondent to regularize the servvices of the petitioners with effect from the date of their respective first appointment with all other attendant benefits



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including monetary benefits similar to the orders issued in G.O. (2D) No.139 dated 28.09.2007 and G.O. (2D) No.123 dated 28.08.2008.

3. The grievances of the petitioners have been set out in paragraphs 5 and 6 of the affidavit filed in support of this petition, which reads as follows:

“5.In such circumstances, the petitioners herein along with other casual labourers working in the 4th respondent Union approached this Hon'ble Court by filing W.P.No.17195 of 2010 seeking for a writ of mandamus directing the 1 to 3 respondents herein to issue appropriate orders enabling the 4th respondent to regularize the servvices of the petitioners with effect from the date of their respective first appointment with all other attendant service benefits including monetary benefits. I humble submit that the said matter came up for admission and the learned Judge



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of the Hon'ble Madras High Court ordered Notice of Motion returnable by 3 weeks. The respondents have entered appearance in the said writ petition and have also filed their counter affidavit in the matter. The writ petition is pending adjudication as on date.

6.I humbly submit that while matters stood thus, the 4th respondent on 17.06.2015 has issued the impugned notification in daily newspapers, calling for candidates to fill up the vacancy for various posts on regular basis including for the post of "Heavy Vehicle Drivers". The petitioners having put in more than 2 decades of service with the 4th respondent union as drivers and were legitimately expecting to be regularised especially in view of the aforementioned G.O.'s and also based on the regularization of similarly placed labourers in Madurai District. It is pertinent to mention here that the Hon'ble Apex Court in a Judgment reported in 2006(4) SCC Page 1 has categorically held that the



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question of regularization of services of employees who have continued to work for 10 years or more may have to be considered on merits in light of the principles laid down and settled by the Apex Court. It was further held that the respondents should take steps to regularize such persons. By applying and following the same judgment and principle, the services of the petitioner ought to have been regularized. But on the contrary while the issue of regularization of the petitioner's services is still sub judice, the 4th respondent has gone ahead issued the impugned notification in an arbitrary manner to fill the vacancy for the said posts which is contrary to the principles as laid down by various Supreme Court Judgements.”

Therefore, it is clear that the petitioners were aggrieved by the advertisement that has been published by the 4th respondent pending the writ petition which was filed by the petitioners for regularization of their service.



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4. The petitioners herein have been arrayed as the petitioners 25 to 30 in W.P.No.17195 of 2010. By an order dated 25.11.2016 of this Court, the said writ petition was disposed of as follows:

“17. Therefore, in the circumstances, considering the situation, this Court is of the considered view that the request made by the petitioners for absorption in the fourth respondent organization is fully justifiable. Therefore, this writ petition is disposed of with a direction to the respondents, especially, the first respondent to take a conscious decision by adapting a pragmatic approach on the recommendation and request made by the fourth respondent in his proceedings in Ref.No.13617/Estt/99 dated 07.07.1999, of course after taking the views of the third respondent regarding the absorption of thses petitioners and such a decision shall be taken



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within a period of three months from the date of receipt of a copy of this order.”

5. Considering the above, nothing survives for the consideration of this Court in this matter as the writ petitioners' grievances had been redressed in the earlier writ petition and further, this writ petition has been filed only on account of the 4th respondent proceeding with a fresh advertisement without regularizing the services of the petitioners.

Therefore, this Writ petition is dismissed as infructuous. Consequently, connected M.Ps. stand closed. No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To



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P.T.ASHA, J.,

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