



WEB COPY



W.P.No.23664 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23664 of 2015
and
M.P.Nos. 1 and 2 of 2015

D.Kavitha

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Director of Sugars,
Department of Sugars,
No. 690, Anna Salai,
Nandanam,
Chennai – 600035.

2. The Management Director,
Kallakurichi-II Co-operative Sugar Mills Ltd.,
Kachirapalayam,
Kallakurich Taluk,
Villupuram District – 606207.

3. The Management of Kalkurichi-II Co-operatives Sugar Mills Ltd.,
Kachirapalayam, Rep by its Board,
Kallakurichi Taluk,
Villupuram District – 606207.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of



W.P.No.23664 of 2015

India, to issue a Writ of Mandamus, directing the second respondent to include the name of the petitioner in the proposal sent by him to the first respondent dated 20.07.2015 for absorption to the post of Accounts Clerk-Clerical Grade III.

For Petitioner : Mr. R.Rengaramanujam

For Respondents : Mrs. M.Jayanthi,
Additional Government Pleader (for R1)

Mr. Bala Ramesh,
Additional Government Pleader
(for R2 & R3)

ORDER

The petitioner has filed this Writ Petition directing the second respondent to include the name of the petitioner in the proposal sent by him to the first respondent dated 20.07.2015 for absorbing him into the post of Accounts Clerk-Clerical Grade-III.

2. Heard Mr. R.Rengaramanujam, learned Standing Counsel for the petitioner, Mrs. M.Jayanthi, learned Additional Government Pleader appearing for the first respondent and Mr. Bala Ramesh, learned Additional Government Pleader appearing for the second and third



W.P.No.23664 of 2015

respondents and perused the materials available on record.

WEB COPY

3. Earlier, the petitioner had filed proceedings before the authority constituted under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981, and obtained an order in his favour on 12.01.2011, regarding his permanent status, which was challenged by the second respondent/Sugar Mill by filing W.P. No. 25641 of 2011. No interim order was granted in the said Writ Petition. The order granting permanent status in favour of the petitioner was in force. Taking into account of these facts, an interim order to extend the status quo as on 04.08.2015 was allowed to be maintained.

4. Now it is learnt that W.P. No. 25641 of 2011 has been allowed on 15.11.2019. Naturally, that would change the status which prevailed on 04.08.2015 while granting the interim order. However, the petitioner submitted that he has filed a Writ Appeal challenging the order passed in W.P. No. 25641 of 2011. Hence, the petitioner's entitlement to get absorbed in the third respondent/Sugar Mill would depend upon the



W.P.No.23664 of 2015

outcome of the Writ Appeal filed by the petitioner.

WEB COPY

5. In view of the above change of circumstances, and considering the fact that the petitioner has to canvass his claim before the Hon'ble Division Bench of this Court in pending the Writ Appeal, this Writ Petition has to be closed. However, the petitioner can move before the Hon'ble Division Bench of this Court in which the Writ Appeal is pending, for getting any interim order, if he is so advised.

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

04.09.2024

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
kv

To



W.P.No.23664 of 2015

1. The Presiding Officer,
Labour Court,
Salem.

2. The General Secretary,
Salem Mandala Anaithu Panialarkal Sangam,
44-A, Mariamman Koil Street,
Hasthampatti,
Salem – 7.



WEB COPY



W.P.No.23664 of 2015

R.N.MANJULA, J.

kv

W.P.No.23664 of 2015

04.09.2024