



W.P.No.18618 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

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and

WMP.No.19852 of 2021

- 1.E.Srinivasan
- 2.Mariyappan D
- 3.Rajesh Narayanan
- 4.Vatchala Devi R
- 5.Kalairasai G
- 6.Uthiramary A
- 7.Mohanraj K

... Petitioners

Vs.

- 1.The Director of Public Libraries
737/1, Anna Salai, LLA Building
Chennai 600 002.
- 2.The Librarian (i/c)
Connemara Public Library
Museum Compound, Pantheon Road
Egmore,
Chennai 600 008.
- 3.Assistant Commissioner of Labour
Enforcement (Chennai)
No.33, Venkata Narayana Salai
Nandhanam
Chennai 600 035.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from altering the petitioners' service conditions, pending disposal of proceedings under the Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981, in Petition Nos.930, 931 & 933 to 937 of 2020 dated 09.11.2020 on the file of the third respondent.

For Petitioners : Ms.D.Geetha

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for Writ of Mandamus, forbearing the respondents from altering the petitioners' service conditions, pending disposal of proceedings under the Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981, in Petition Nos.930, 931 & 933 to 937 of 2020 dated 09.11.2020 on the file of the third respondent.



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2. It is submitted by the learned counsel for the petitioners that the petitioners were engaged by the second respondent Public Library as temporary daily wage Office Assistant on various dates between 2007 and 2011. Since they were working continuously in service, the petitioners had completed the statutorily required 480 days of continuous service in two calendar years, and therefore they sought conferment of permanent status under Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981. However, the respondents failed to confer permanent status on the petitioners. The petitioners approached the concerned authority under the Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981, in the year 2020 and filed the petition Nos.930, 931 & 933 to 937 of 2020, which are still pending.

3. It is further submitted that in the meanwhile, since the petitioners have approached the concerned authority for conferment of permanent status, the second respondent Public Library disengaged the service of the petitioners stating that there is no work from 01.08.2021. Aggrieved by the same, the petitioners have filed this Writ Petition.



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4. During the course of pendency of the petitions, after hearing

both sides, on 05.07.2024, this Court has directed the respondents to engage service of the petitioners, depending upon the availability of the work and accordingly, the petitioners were engaged by the respondent Library.

5. It is submitted by the learned counsel for the petitioners that the service of the petitioners alone being disengaged by discriminating from others simply because the petitioners have approached the authority under Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981.

6. It is submitted by the learned Additional Government Pleader that the petitioners and other similarly placed persons all of 35 are given employment as and when work is there.

7. The very prayer in the Writ Petition is to forbear the respondents from altering the petitioners service conditions pending disposal proceedings under Industrial Establishment (Conferment of Permanent Status



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of Workmen) Act, 1981.

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8. The learned Additional Government Pleader appearing for the respondents submitted that a direction may be given to the respondent No.3 under the Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981, to dispose the petition within specific time frame.

9. In view of the above, this Writ Petition is disposed of directing the third respondent/concerned authority to dispose of the petition Nos. 930, 931 & 933 to 937 of 2020 as quickly as possible within a period of three months from the date of receipt of a copy of this order. Until then the service of the petitioners shall not be altered. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2024

Index : Yes / No
Internet : Yes / No
dna



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Dr.D.NAGARJUN, J.

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