



WEB COPY



WP.No.15267 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.01.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.15267 of 2020

and

WMP.Nos.19095 & 19097 of 2020

1. M.Baskaran
2. R.Kalaiarasan
3. S. Radhakrishnan
4. P.Mahendran
5. N.Gopalakrishnan
6. E.Subbramani
7. K.Sivalingam
8. S.Murugan
9. E.Manikkam
10. S.Sandhnamuthu
11. K.Ramesh
12. R.Vijayan
13. N.Sankarraaj



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14. R.Chinnaraj

15. P.Maharajan

16. P.Periasamy

17. A. Govindasamy

18. M.Chandran

19. S. Murugan

20. G.Archunan

21. N.Selvam

22. P.Rajangam

23. S.Balasubramanian ...

Petitioners

/vs/

1. The Secretary to Government Animal Husbandry,
Dairying and Fisheries Department F.S.G.,
Chennai - 9

2. The Commissioner for Milk Production
and Dairy Development
Madhavaram Milk Colony
Chennai - 600 051

3. The General Manager
Madurai District Cooperative Milk
Producers Union, Madurai - 20



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4. The General Manager
Theni District Cooperative Milk Production
Theni
...

Respondents

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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT CERTIORARIFIED MANDAMUS to call for the entire records of relating to the impugned order dated 18.07.2019 made in G.O.(2D) No.15, Animal Husbandry, Dairying, Fisheries (MPII) Department passed by the 1st respondent, quash as far as the date of monetary benefits given from 18.07.2019 instead of respective dates of regularization of the service of the petitioners as null and void and consequently to direct the respondents especially the 1st respondent to give monetary benefits to the petitioners from the date of regularization of their services, since regularization was done by the 1st respondent following the direction of the Hon'ble Madurai Bench of High Court of Madras in W.P.(MD) No.5663 to 5666 of 2011 dated 01.03.2017 and another direction of Hon'ble Division Bench of the High Court vide W.A.(MD) No.626 of 2017 dated 20.06.2017 without giving monetary benefits to the petitioners from the date of regularisation of their service.

For Petitioners : Mr.R.Sethupandian

For Respondents : Mrs.V.Yamunadevi,
Special Government Pleader for RR1 & 2
: Mr.L.P.Shanmugasundaram
for RR3 &4

ORDER



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This Writ Petition has been filed seeking WRIT of CERTIORARI and MANDAMUS to call for the entire records relating to the impugned order dated 18.07.2019 made in G.O.(2D) No.15, Animal Husbandry, Dairying, Fisheries (MPII) Department passed by the 1st respondent, quash as far as the date of monetary benefits given from 18.07.2019 instead of respective dates of regularization of the service of the petitioners as null and void and consequently to direct the respondents especially the 1st respondent to give monetary benefits to the petitioners from the date of regularization of their services, since regularization was done by the 1st respondent following the direction of the Hon'ble Madurai Bench of High Court of Madras in W.P.(MD) No.5663 to 5666 of 2011 dated 01.03.2017 and another direction of Hon'ble Division Bench of the High Court vide W.A.(MD) No.626 of 2017 dated 20.06.2017 without giving monetary benefits to the petitioners from the date of regularisation of their service.

2. Heard, Mr.R.Sethupandian, learned counsel for the petitioners and Mrs.V.Yamunadevi, learned Special Government Pleader for the respondents 1 & 2 and Mr.L.P.Shanmugasundaram, learned counsel for the respondents 3 & 4 and perused the materials available on record.

3. The petitioners have been appointed as factory workers since



03.10.1994. Since the petitioners' services were not regularised, they gave a representation to the Inspector of Factories, and an order has been passed to regularise their services vide proceedings of the Inspector of Labour dated 20.4.2008. However, the 3rd respondent challenged the order of the Inspector of Factories by filing a Writ Petition in WP.(MD)No.5663 to 5666 of 2011 and the same was dismissed 01.03.2017. A Writ Appeal filed challenging the same was also dismissed. Subsequently, the services of the petitioners, along with similarly placed persons, have been regularised with effect from 18.07.2019 by virtue of G.O. (2D) No. 15 Animal Husbandry, Dairying and Fisheries Department dated 18.07.2019. The petitioners work at the Madurai district Cooperative Milk Producers' Union.

4. Mr.R.Sethupandian, learned counsel for the petitioners submitted that a similar category of persons belonging to the Coimabtoire Union have been given the monetary benefit of regularisation with effect from 1.10.2006 under G.O.Ms.(2D) No.142 Animal Husbandry, Dairying and Fisheries Department, dated 28.8.2009. But the petitioners, who are also similarly placed, are being discriminated.

5. Mr.L.P.Shanmugasundaram, learned counsel for the 4th respondent submitted that it is up to respondents 1 and 2 to pass necessary orders in this



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regard.

6. Since the petitioner's salary is met from the funds of the 3rd and 4th respondents co-operative union, the 1st and 2nd respondents may not have any financial burden. Since similarly placed persons belong to other co-operative unions, have already been granted with the monetary benefits with effect from 01.10.2006, the respondents 1 and 2 shall consider the claim of the petitioners and pass appropriate orders in this regard by considering the earlier similar orders passed by them and also in light of various judicial pronouncement given in this regard within a period of six weeks from the date of receipt of a copy of this order.

With the above observation, this writ petition stands **disposed**. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2024

Index : Yes/No
Internet : Yes/No
Speaking: Non-speaking
jrs



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To

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Dairying and Fisheries Department F.S.G.,
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This matter is listed today under the caption for "*being mentioned*" at the instance of the learned counsel appearing for the petitioners.

2. The learned counsel appearing for the petitioners submitted that in the order dated 11.01.2024 in W.P.No.15267 of 2020, in paragraph 4, the Government Order has been wrongly mentioned as "G.O.Ms.(2D)No.142 Animal Husbandry, Dairying and Fisheries Department, dated 28.08.2009" instead of ***G.O.Ms.(2D)No.123, Animal Husbandry, Dairying and Fisheries Department, dated 28.08.2009***, and the same requires to be rectified.

3. Considering the submissions made by the learned counsel for the petitioners, Registry is directed to carry out the necessary corrections in the order dated dated 11.01.2024 in W.P.No.15267 of 2020 in paragraph No.4, as "***G.O.Ms.(2D)No.123, Animal Husbandry, Dairying and Fisheries Department, dated 28.08.2009***" and issue a fresh order copy.

07.03.2024

Note : Issue Order Copy on 08.03.2024

sri