



WEB COPY



W.P.No.30834 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30834 of 2024

W.M.P.No.33440 of 2024

Krishnagiri District Cooperative Milk

Producers Union,

Rep. by its General Manager

Kanagamuthulu Post,

Salem Main Road,

Krishnagiri District - 635001

...Petitioner

Vs

1.R.Babu

2.Authorised Officer cum Dy. Director
Directorate of Industrial Safety and Health,
Hosur, Krishnagiri District.

3.The Commissioner/Director,
Dairy Development Department,
Madhavaram Milk Colony,
Madhavarm, Chennai - 600 051

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records and to quash the orders dated 15.06.2020 issued by the 2nd respondent herein made in Order No.A/949/2020 in favour of 1st respondent.



W.P.No.30834 of 2024

For Petitioner : Mr.R.Arvind
For Respondents : Mr.Stalin Abhimanyu for R2 and R3
Additional Government Pleader
Mr.P.R.Thiruneelakandan for R1

ORDER

This Writ Petition has been filed challenging the order dated 15.06.2020 issued by the second respondent in favour of the workmen.

2. Heard Mr.R.Arvind, learned counsel for the petitioner, Mr.P.R.Thiruneelakandan, learned counsel for R1 and Mr.Stalin Abhimanyu, learned Additional Government Pleader for R2 and R3 and perused the materials available on record.

3. Mr.R.Arvind, learned counsel for the petitioner submitted that the authority who passed the impugned order does not have jurisdiction to pass the above order and that after the amendment brought in the Industrial Disputes Act, the respondent Workmen who were denied permanent status despite having qualification to get permanency, can raise only the industrial dispute and should not seek remedy under the Tamil Nadu Conferment of Permanent Status Act, 1981.



W.P.No.30834 of 2024

WEB COPY

4. Mr.P.R.Thiruneelakandan, learned counsel for the first respondent / workmen submitted that the petitioner had not chosen to challenge the impugned order for four years. In fact, the workmen have filed a Writ Petition in W.P.No.7017 of 2021, seeking a direction for compliance of the impugned order and this Court has also issued appropriate orders in the said Writ Petition *vide* its order dated 07.03.2024. Hence, it is submitted that this Writ Petition has been filed as a tactic to escape from complying the direction given by this Court in W.P.No.7017 of 2021.

5. Admittedly, the petitioner did not choose to challenge the impugned order conferring permanency on the workmen, immediately after the order was passed. The petitioner has filed this Writ Petition after the delay of four years and it is too late to come up now and say that the authority who passed the order did not have jurisdiction. Even according to the submission of the learned counsel for the petitioner, the authority concerned is the Occupational Safety and Health Officer who has been conferred with the power of the authority conferring permanent status



W.P.No.30834 of 2024

under the Government Orders issued in this regard.

WEB COPY

6. It is curious to note that the petitioner has not chosen to raise the above contention before the second respondent authority and the petitioner had subjected to the jurisdiction of the second respondent and suffered an award with direction. The learned counsel for the petitioner submitted that he has raised a legal issue. But, the fact remains that the authority who has passed the impugned order is the authority who has been conferred with such powers by various Government Orders and he is the Government appointed authority to decide about permanency. The petitioner did not choose to challenge the order appointing the authority who has passed the impugned order of permanency. Having not chosen to obey the impugned order all these years and after receiving a direction from this Court in pursuant to the Writ Petition filed by various workmen, the petitioner has filed the Writ Petition as an after thought. No reason has been stated as to the inordinate delay and laches involved in filing this Writ Petition. Since the petitioner did not comply the order of the second respondent authority, the first respondent workmen are not able to enjoy the fruits of the order. So the petitioner is expected to comply the orders



W.P.No.30834 of 2024

WEB COPY

in pursuant to the direction issued by this Court in the Writ Petition filed by the first respondent / workmen in W.P.No.7017 of 2021 vide order dated 07.03.2024.

7. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

Index:Yes/No
Speaking order/Non-speaking order
msv
To

1.Authorised Officer cum Dy. Director
Directorate of Industrial Safety and Health,
Hosur, Krishnagiri District.

2.The Commissioner/Director,
Dairy Development Department,
Madhavaram Milk Colony,
Madhavarm, Chennai - 600 051

V.BHAVANI SUBBAROYAN,J.

msv



WEB COPY



W.P.No.30834 of 2024

W.P.No.30834 of 2024
W.M.P.No.33440 of 2024

03.12.2024