



WEB COPY



W.P.No.29931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.29931 of 2024

and

W.M.P.Nos.32634 & 32635 of 2024

M.Kumaravel

...Petitioner

-Vs-

1.The Registrar of Co-operative Societies,
170, EVR Periyar High Road,
Kilpauk, Chennai – 600 010.

2.The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram.

3.VPM3, Villupuram District,
Government Transport Employees Thrift & Credit Society,
Rep. Administrator,
No.5, Vallalar Nagar,
Salamedu,
Villupuram – 605 401.

4.The Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment Permanent Status to Workman) Act 1981
Villupuram.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus directing respondents 1 to 3 not to disturb the petitioner from the post of Assistant in the Villupuram District Government Transport Employees Thrift & Credit Society / 3rd respondent till the disposal of the petition filed on 24.07.2024 by the petitioner under Tamil Nadu Industrial Establishment (Conferment Permanent Status to Workan) on the file of the 4th respondent and by considering the representation dated 20.09.2024 and pass such further order.

For Petitioner : Mr.M.Thirumoorthy

For Respondents : Mr.P.Ganesan,
Additional Government Pleader

ORDER

Mr.P.Ganesan, learned Additional Government Pleader takes notice on behalf of the respondents. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed for issuance of a Writ of Mandamus, directing respondents 1 to 3 not to disturb the petitioner from the post of Assistant in the Villupuram District Government Transport Employees Thrift & Credit Society and to consider the petitioner's representation dated 20.09.2024.



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3. The case of the petitioner is that he has been appointed as Assistant in the third respondent society on 18.04.2015 on the basis of daily wager. Considering his work, the third respondent decided to absorb him under consolidated pay instead of daily wager. Since the Deputy Registrar of Co-operative Societies, Villupuram, has given a letter to the third respondent society to terminate the petitioner from service. The petitioner's claim is that his service should not be terminated without any notice or enquiry. Hence, he filed W.P.No.13227 of 2021, seeking for a direction not to terminate him from the post. This Court, while disposing of the writ petition with the operative portion of declaring the status of petitioner as permanent before the appropriate authority under Tamil Nadu Industrial Establishment (Conferment Permanent Status to Workmen) Act, 1981.

4. Learned counsel for the petitioner submitted that the petition is pending before the Assistant Commissioner of Labour and the third respondent is not paying his salary from July 2024 onwards. The first respondent sent a communication to all Regional Joint Registrars by letter dated 30.08.2024. But respondents 2 and 3 did not follow the direction of the first respondent, forcing the petitioner not to attend the duty without any written order. Hence, the petitioner made a representation to the respondents



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on 20.09.2024 requesting them to pay the salary from July 2024 to till date and to continue to pay his salary and regularize his service and not to restrain him from attending the work in the third respondent society.

5. Without expressing any opinion on the merits of the writ petition, the 4th respondent is directed to consider the representation of the petitioner, dated 20.09.2024, pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

04.10.2024

cda

Index : Yes/No

Speaking/Non-Speaking Order



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N.SENTHILKUMAR, J.

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