



W.P.(MD).No.5719 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5719 of 2024

K.Karthikeyan

... Petitioner

Vs.

- 1.The Inspector of Labour (Assistant Commissioner),
O/o the Inspector of Labour,
TNHB Office, First Floor,
Ellis Nagar, Madurai District-625 001.
- 2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation
Ltd., (TANGEDCO),
K.Pudur, Madurai-625 007.
- 3.The Assistant Engineer,
Kottampatti Electricity Circle,
Tamil Nadu Generation and Distribution Corporation
Ltd., (TANGEDCO),
Kottampatti.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, for a direction fixing



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timeframe and direct the 1st respondent to dispose the petition filed by the petitioner in C.P.S.No.141/2012.

For Petitioner : Mr.T.Ravichandran
For R1 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to dispose the petition filed by the petitioner in C.P.S.No.141/2012.

2. Considering the nature of the leave to be granted, the issuance of notice to the 2nd and 3rd respondents is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was engaged as a temporary worker by the 3rd respondent from 15.04.1998. The petitioner had worked for nearly 14 years. However, his service was not regularized, though he is eligible to be regularized in his service as per Section 3 of the Tamil Nadu Industrial



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Establishments (Conferment of Permanent Status to Workmen) Act, 1981. He is in continuous service for a period of 480 days in a period of 24 calendar months in the industrial establishment. The petitioner approached the authority under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act / 1st respondent by filing a petition, dated 25.11.2012 under the said Act. Though the 1st respondent admitted the petitioner's petition for adjudication in C.P.S.No.141/2012, proceedings are kept pending without disposal for more than 12 years. In view of the same, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. Without going into the merits of this case, this Court direct the 1st respondent to dispose of the petition filed by the petitioner in C.P.S.No. 141/2012 within a period of eight (8) weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.The Inspector of Labour (Assistant Commissioner),
O/o the Inspector of Labour,
TNHB Office, First Floor,
Ellis Nagar, Madurai District-625 001.



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L.VICTORIA GOWRI, J.

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