



W.P.(MD)No.2155 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.2155 of 2019

1.K.Chinnadurai

2.M.Chadaiyandi

3.V.Govindaraj

4.P.Karuppaiah

5.O.Nambiyappan

6.K.Rajendiran

7.C.Sagayaraj

8.M.Sivakumar

9.K.Suresh

10.M.Vellaisamy

11.A.Chandrasekar

...Petitioners

VS.

1.The Joint Director,

Industrial Safety and Health,

[The Authority under the Tamil nadu

Industrial Establishmmts

(Conferment of Permanent Status of Workman Act, 1981)]

Nehruji Nagar,

Dindigul.



W.P.(MD)No.2155 of 2019

2.The Management of
Chinnalapatti Town Panchayat,
Athur - Taluk,
Dindigul District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order of the first respondent dated 15.11.2018 in Letter No.A/290/2018, quash the same and consequently direct the first respondent to take the petitions filed by the petitioner under Section 5 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workman) Act, 1981 into file and to enquire and decide the same on merits and in accordance with law.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.P.Thambidurai,
Government Advocate for R1

No appearance for R2

ORDER

This writ petition was filed challenging the refusal to entertain the petition filed by the first petitioner before the Joint Director, Industrial Safety and Health, citing the reason that the Establishment under which the petitioners work is not a factory.



W.P.(MD)No.2155 of 2019

WEB COPY

2. The learned counsel appearing for the petitioners would submit that the impugned order has been passed without providing any opportunity to the the petitioners to put forth their case as to whether the Establishment is a factory or not. Once if an opportunity is provided, the petitioners can establish that the Establishment falls within the purview of factory.

3. The learned Government Advocate appearing for the first respondent would submit that if any order is passed by this Court, it will be complied by the first respondent.

4. Considering the submissions made on both sides, the first respondent is directed to take the petitions filed by the petitioners on record, number them and thereafter, independently decide about the maintainability issue, after affording opportunity to the parties, preferably within a period of six (6) months from the date of receipt of a copy of this order.



W.P.(MD)No.2155 of 2019

5. With the above directions, this Writ Petition stands disposed of.

No costs.

11.11.2024

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi



W.P.(MD)No.2155 of 2019

WEB COPY

To
1. The Joint Director,
Industrial Safety and Health,
Nehruji Nagar,
Dindigul.



WEB COPY



W.P.(MD)No.2155 of 2019

KRISHNAN RAMASAMY, J.

mbi

W.P.(MD)No.2155 of 2019

11.11.2024