



WP(MD). No.14335 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 02/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

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Kanickam. S

... Petitioner

Vs

1. The Director,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam,
Chennai - 108..

2. The Deputy Regional Director,
(Khadi), Tamil Nadu Khadi and Village Industries Board,
Tiruchirappalli..

3. The Assistant Director,
Tamil Nadu Khadi and Village Industries Board,
Near Railway Junction,
Tiruchirappalli..

4. The Manager,
Kahdi Kraft,
Tamil Nadu Khadi and
Village Industries Board,
Near Railway Junction,
Tiruchirappalli..



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5. The Assistant Commissioner Of labour,
(Enforcement), Office of the
Assistant Commissioner of Labour,
Tiruchirappalli..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to immediately implement the order passed by the 5th respondent in the Claim Petition of the petitioner in Claim Petition No. Na.Ka. A/3455/2018 dated 03.11.2023, passed under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, wherein the 5th respondent have directed the respondents 1 to 4 to regularize the services of the petitioner within 30 days from the receipt of the order with back wages and consequential benefits.

For Petitioner : MR.M.Kannan,
For Respondents : Mr.Raguram Gopalan for R1 to R3
Mr.N.Ramesh Arumugam for R4 and R5
Government Advocate

ORDER

The writ petition has been filed for a mandamus to direct the respondents 1 to 4 to immediately implement the order passed by the 5th respondent in the Claim Petition of the petitioner in Claim Petition No. Na.Ka. A/3455/2018 dated 03.11.2023, passed under the Tamil Nadu



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Industrial Establishments (Conferment of Permanent Status to Workmen)

Act, 1981, wherein the 5th respondent has directed the respondents 1 to 4 to regularize the services of the petitioner within 30 days from the receipt of the order with back wages and consequential benefits.

2. Heard the learned counsel for the petitioner, learned counsel for the respondents 1 to 3 and the learned Government Advocate for the respondents 4 and 5.

3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner, in order to regularize his services in the respondent Board and to implement the orders of the 5th respondent, has sent a representation to the respondents on 13.03.2024. Since the said representation was not considered, the petitioner is before this Court with this writ petition.

5. 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



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respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 13.03.2024 on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



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7. With the above direction, this writ petition is **disposed of**. No

costs.

02.07.2024

RR

TO

The Assistant Commissioner Of labour,
(Enforcement), Office of the
Assistant Commissioner of Labour,
Tiruchirappalli.



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R.N.MANJULA,J

RR

**ORDER
IN
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