



W.P.(MD)No.20228 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.20228 of 2017

and

W.M.P.(MD)No.16484 of 2017

P.Rajangam

: Petitioner

Vs.

- 1.The Deputy Director,
Industrial Safety and Health,
Theni,
Theni District.
- 2.The Inspector of Labour,
Theni,
Theni District.
- 3.The Commissioner of Milk,
Production and Dairy Development,
Chennai – 51.
- 4.Madurai District Cooperative Milk
Producers Union Limited,
Rep. by its General Manager,
Madurai – 20.

: Respondents



W.P.(MD)No.20228 of 2017

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the fourth respondent in Na.KA.No.2606/Tho.Vu/2013-7 dated 25.11.2013 and consequential order passed by the first respondent in Ref.No.AA/291/2016 dated 28.09.2016, quash the same insofar as denying the benefit accrued out of the order passed by the second respondent bearing No.A/1097/10 dated 15.04.2011 and consequently to direct the respondents to confer status upon the petitioner by regularizing his services as permanent workman in the cadre of regular Mazdoor in the pay scale of Rs.4800-10000 + Grade Pay of Rs.1900/- with effect from 31.10.2010, the date on which he completed 480 days of service in terms of the order passed by the second respondent in Ref.No.A/1097/10 dated 15.04.2011 and pay all consequential benefits including arrears of difference in salary and all other attendant service benefits and to award costs.

For Petitioner : Mr.G.Karthik
for Mr.A.Rahul
For Respondents 1 to 3 : Mr.S.Kameswaran
Government Advocate
For Respondent No.4 : No appearance



W.P.(MD)No.20228 of 2017

WEB COPY

3.According to the petitioner, since the fourth respondent has regularised the services of the petitioner only from 11.11.2013, though according to him he is entitled to be regularised from 31.10.2010, the respondents 1 & 2 are empowered to prosecute the fourth respondent for violating the order dated 15.04.2011 passed by the second respondent conferring permanent status to the petitioner. No reasons have been assigned in the impugned order with regard to the contentions raised by the petitioner but by a cryptic order, the first respondent has directed the petitioner to file an appeal before the Labour Court.

4.Counter affidavit has also not been filed in this writ petition till date, eventhough the Writ Petition is of the year 2017. Since the consequential order of the first respondent dated 28.09.2016 is a non-speaking order, both the orders namely the order dated 25.11.2013 passed by the fourth respondent wherein the petitioner's service was regularised only from 11.11.2013 though the petitioner claims that he ought to have been regularised from 31.10.2010 itself and the consequential order of the first respondent dated 28.09.2016 directing the petitioner to approach the Labour Court have to be quashed and the matter has to be remanded back to the fourth respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.



W.P.(MD)No.20228 of 2017

5. Accordingly, the impugned order dated 25.11.2013 passed by the fourth respondent and the consequential order passed by the first respondent dated 28.09.2016 are hereby quashed and the matter is remanded back to the fourth respondent for fresh consideration on merits and in accordance with law. The fourth respondent is directed to pass a speaking order within a period of twelve [12] weeks from the date of receipt of a copy of this order. The petitioner is permitted to file his written submissions before the fourth respondent and the fourth respondent is directed to consider the same in the final order to be passed by them.

6. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05.09.2024

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



WEB COPY



W.P.(MD)No.20228 of 2017

To

- 1.The Deputy Director,
Industrial Safety and Health,
Theni,
Theni District.
- 2.The Inspector of Labour,
Theni,
Theni District.
- 3.The Commissioner of Milk,
Production and Dairy Development,
Chennai – 51.
- 4.The General Manager,
Madurai District Cooperative Milk
Producers Union Limited,
Madurai – 20.



WEB COPY



W.P.(MD)No.20228 of 2017

ABDUL QUDDHOSE, J.

MR

W.P.(MD)No.20228 of 2017

05.09.2024