

IN THE HIGH COURT OF JUDICATURE AT MADRAS

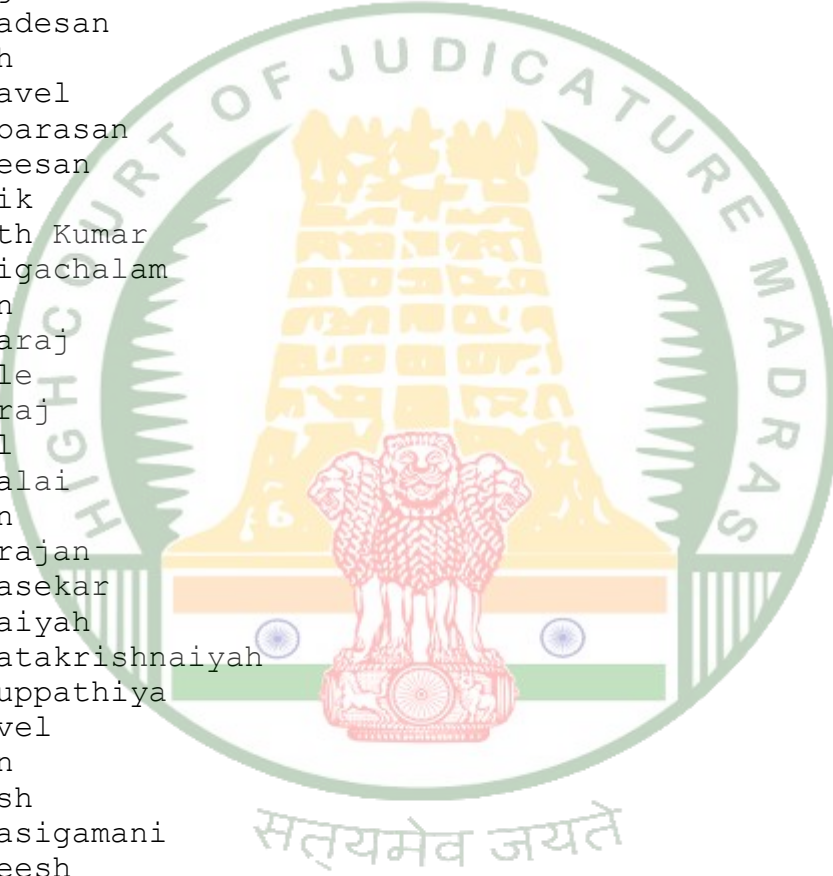
DATED : 06.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

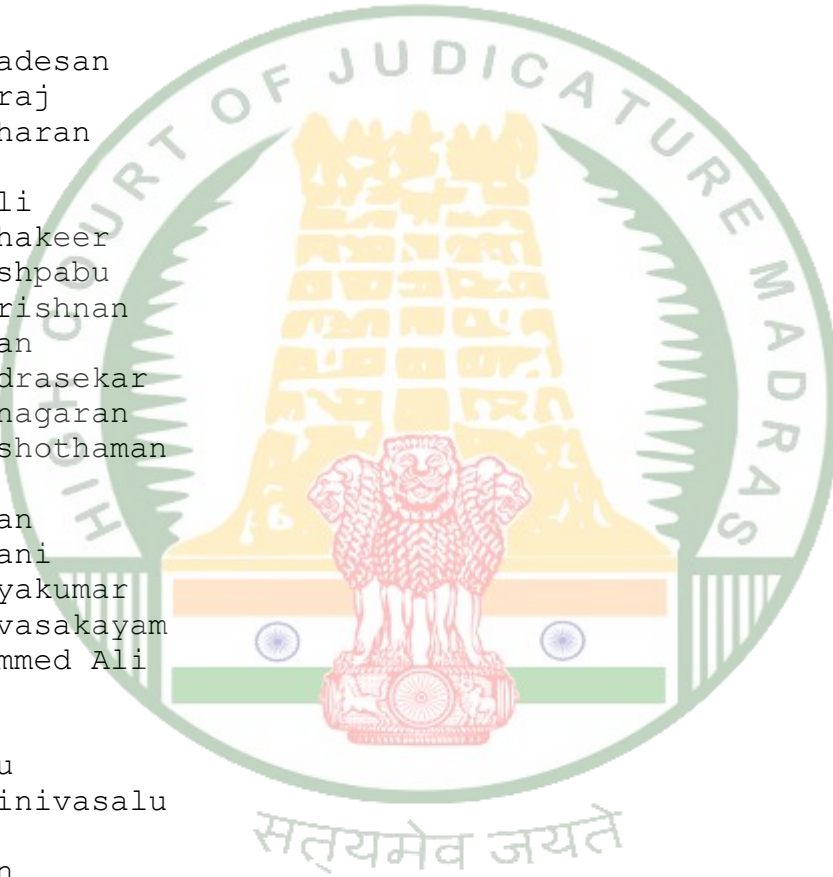
Writ Petition No.24178 of 2015

1. A.Munusamy
2. K.Arumugam
3. H.Venkgadesan
4. Y.Suresh
5. S.Kumaravel
6. R.Silambarasan
7. G.Jagadeesan
8. A.Karthik
9. P.Sampath Kumar
10. S.Thanigachalam
11. M.Rajan
12. B.Selvaraj
13. M.Esrale
14. E.Nagaraj
15. S.Gopal
16. M.Elumalai
17. E.Mogan
18. M.Nagarajan
19. M.Gnanasekar
20. Y.Pillaiyah
21. G.Vengatakrishnaiyah
22. G.Thiruppathiya
23. K.Samuvel
24. M.Rajan
25. G.Suresh
26. P.Deivasigamani
27. R.Ritheesh
28. M.Murugan
29. S.Vijayakumar
30. G.Sureshkumar
31. M.Vengat Rao
32. K.Arunagiri
33. S.Tamilvanan
34. R.Suresh
35. D.Anandharaj
36. M.Loganathan
37. D.Kannan



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38. K.Vengadesan
39. B.Shankar
40. S.Satheeshkumar
41. P.Prasanna
42. S.Linkeshwaran
43. P.Baburao
44. D.Vengat Rao
45. R.Ravichandiran
46. M.Vengatesh Varalu
47. Y.Ananthan
48. M.Raj
49. R.Arun
50. G.Ravi
51. R.Vengadesan
52. N.Kamaraj
53. G.Hariharan
54. P.Babu
55. A.Murali
56. S.Aputhakeer
57. A.Sureshpabu
58. M.Rupkrishnan
59. S.Madhan
60. K.Chandrasekar
61. M.Karunagaran
62. S.Purushothaman
63. C.Ravi
64. R.Kannan
65. K.Pazhani
66. K.Vijayakumar
67. S.T.Devasakayam
68. S.Mohammed Ali
69. Vasu
70. R.Babu
71. S.Prabu
72. G.N.Srinivasalu
73. R.Ravi
74. A.Mohan
75. A.Vadivelan
76. R.Ragavan
77. D.Selvamakesh
78. P.Ravikumar
79. P.Munusamy
80. R.Padmanapan
81. M.Paulraj
82. S.Santhiramurthi
83. M.Jeyaraman
84. T.Chinnamiraiyah



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... Petitioners

Vs.

1. The Labour Inspector,
Under T.N.Industrial Establishments
(Conferment of Permanent Status to Workman)
Act, 1981, Nandanam,
Chennai - 600 035

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003

3. The Chief Engineer,
Mechanical Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 2 and 3 to comply with the order passed by the first respondent in Case No.240/2013, dated 27.01.2015.

For Petitioners : Mr. N.Valliamma

For Respondents : Mr. S.Gunasekaran,
Government Advocate, for R-1
Mr. P.V.Selvakumar, for R-2 & R-3

O R D E R

Admit. Mr. S.Gunasekaran, learned Government Advocate, takes notice for the first respondent and Mr. P.V.Selvakumar, learned counsel, takes notice for respondents 2 and 3. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners would claim that they are working in the services of the Chennai City Municipal Corporation from the year 2008 onwards and inspite of the long service, they have not been regularized and hence, they moved the first respondent, under the provisions of The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workman) Act, 1981, and they also got the orders on 27.07.2012 and 05.07.2013, respectively. Their plea was rejected and challenging the same, they filed W.P.No.19389 of 2013 and this

Court, vide order, dated 18.07.2013, had set-aside the orders of the first respondent, dated 27.07.2012 and 05.07.2013 and remanded the matter back to the first respondent for fresh adjudication in accordance with law, within a stipulated time frame. Thereafter, the first respondent has considered the claim of the petitioners and 19 others and passed an order, dated 27.01.2015, ordering the conferment of the permanent status.

3. The petitioners, thereafter, submitted repeated representations to comply with the said order, for which the third respondent has sent a reply, dated 11.05.2015, stating that the third respondent is taking steps to challenge the order, dated 18.07.2013 made in W.P.No.19389 of 2013, and subject to the result of the appeal, the petitioners' claim will be considered.

4. The learned counsel for the petitioners would submit that the order in W.P.No.19389 of 2013, came to be passed as early as on 18.07.2013, and thereafter, the first respondent / Statutory Authority has considered the claim made by the petitioners and granted the relief of permanent status, vide order, dated 21.01.2015 and admittedly, the said order has not been put to challenge and therefore, the stand of the respondents is wholly unsustainable and prays for appropriate orders.

5. This Court heard the submissions of Mr.P.V.Selvakumar, learned counsel, who accepts notice on behalf of the respondents.

6. As rightly pointed out by the learned counsel for the petitioners, this Court, vide order, dated 18.07.2013 made in W.P.No.19389 of 2013, has set-aside the order of the first respondent and has remanded the matter for fresh adjudication and in compliance of the order, the first respondent has adjudicated the issue and vide order, dated 21.07.2013, has conferred the permanent status of the petitioners and 19 others and the said order has not been put to challenge. Therefore, the stand taken by respondents 2 and 3 in their order, dated 11.05.2015, that they are taking steps to prefer the appeal against the order, dated 18.07.2013 made in W.P.No.19389 of 2013, on the face of it, appears to be untenable.

7. Therefore, this Court, without going into the merits or otherwise of the matter and in the light of the above facts and circumstances, directs respondents 2 and 3 to take necessary steps to comply with the order, dated 27.01.2015 made in Case No.240 of 2013 passed by the first respondent, as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners.

6. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Labour Inspector,
Under T.N.Industrial Establishments
(Conferment of Permanent Status to Workman)
Act, 1981, Nandanam,
Chennai - 600 035
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003
3. The Chief Engineer,
Mechanical Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003

+1cc to Mr.P.V.Selva Kumar, Advocate, S.R.No.40665
+1cc to M/s.N.Valliamma, Advocate, S.R.No.40766
+1cc to the Government Pleader, S.R.No.40943

W.P.No.24178 of 2015

SV(CO)
CA(01/09/2015)

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