



W.P.No.17183 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.17183 of 2023

P. Durairaj

.. Petitioner

Versus

The General Manager,
The Dharmapuri District
Cooperative Milk Producers Union Ltd.,
Krishnagiri, Krishnagiri District.

...Respondent

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent to appoint the petitioner as Permanent Technician Employee and pass orders.

For Petitioner : Mr.S. Vasanthi

For Respondent : Mr.I. John Arockiddas
Standing Counsel



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ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the Respondent to appoint the petitioner as Permanent Technician Employee and pass orders.

2.The facts of the case is that the petitioner was appointed as trade trainee in the Respondent Union as per the Proceedings of the Respondent Union in RC.No.5683/Administration 2/2016 dated 09.01.2017. After undergoing apprenticeship course he was placed as Trade Machine Man by the respondent on 26.09.2018 on daily wages. It is pertinent to note inspite of the fact that he worked continuously for more than 480 days he was terminated from service. Pursuant to which the petitioner filed W.P.No.8106 of 2022 before this Court and this Court vide order dated 05.04.2022 disposed of the writ petition by giving liberty to the petitioner to give appropriate representation to the respondents and a direction was given to the respondents to consider the said representation and pass orders. Hence, the petitioner made a representation on 12.05.2022 and the same is pending till date without any progress, which has given rise to this petition.



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3. The learned counsel for the petitioner submitted that as per Section 3 of Tamil Nadu Industrial Establishment (Permanent status of workmen) Act 1981, if a persons works continuously and completes 480 days he will automatically get the permanent status and is eligible to become a permanent employee in the post of Trade Machine Man. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the Respondent submitted that the due to paucity of funds they were unable to give compassionate employment and even the regular employees have been paid salary belatedly. The financial position of the union can very well be monitored in the audit report. It is also pertinent to note that the petitioner has not completed 480 days of continuous service due to frequent break in service and the petitioner was not appointed through employment exchange. Hence, the Union is not in a position to reappoint the petitioner and prays to dismiss this petition.



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5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that the subject matter of this writ petition is with regard to appointment of the petitioner in the Respondent union which has to be dealt by the Labour Court.

7. In view of the above fact, this Writ Petition is not maintainable before this Court. Accordingly this petition is dismissed. No order as to costs. However, the petitioner is directed to file appropriate petition before the Labour Court to ventilate his grievance. Even though this writ petition is dismissed the respondent is directed to pass orders on the representation of the petitioner within a period of eight weeks from the date of receipt of a copy of this Order.

12.02.2025

Speaking order : Yes/No

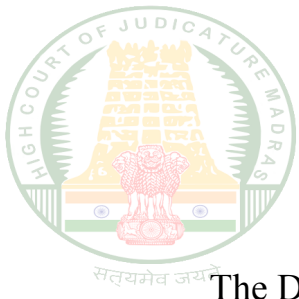
Neutral citation : Yes/No

Index : Yes/No

smn

To

The General Manager,



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The Dharmapuri District
Cooperative Milk Producers Union Ltd.,
Krishnagiri, Krishnagiri District.

V.BHAVANI SUBBAROYAN, J.

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