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Writ Petition Nos.28847, 28849 to 28853 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/1/2025

C O R A M

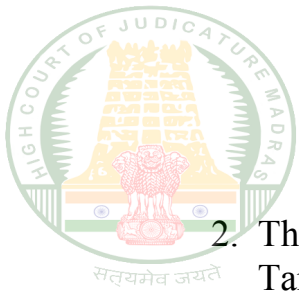
THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition Nos.28847, 28849 to 28853 of 2022

Saravanan	...	Petitioner in W.P.No.28847 of 2022
S. Ganesh	...	Petitioner in W.P.No.28849 of 2022
A. Dili Raj	...	Petitioner in W.P.No.28850 of 2022
L. Raja	...	Petitioner in W.P.No.28851 of 2022
V. Jothilingam	...	Petitioner in W.P.No.28852 of 2022
S. Sekar	...	Petitioner in W.P.No.28853 of 2022

Vs

1. The Managing Director
Tamil Nadu Civil Supplies Corporation
12 Thambusamy Salai, Kilpauk
Chennai 10.



Writ Petition Nos.28847, 28849 to 28853 of 2022

2. The Regional Manager
Tamil Nadu Civil Supplies Corporation
Chennai South Region
Gopalapuram
Chennai 600 086.

3. The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation
No.7 Conron Smith Road
Gopalapuram
Chennai 86.

...

Respondents

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order dated 3/8/2022 in Na.Ka.No.AE6/16620/2022 – (8) issued by the first respondent and quash the same as illegal and void and consequently, direct the first respondent to absorb permanent employment status to the petitioner.

For petitioners ... Mr.D.Selvam

For respondents ... Mr.C.Selvaraj
Panel Counsel

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COMMON ORDER

These writ petitions have been filed to quash the impugned order dated 3/8/2022 passed in Na.Ka.No.AE6/16620/2022 – (8) by the first



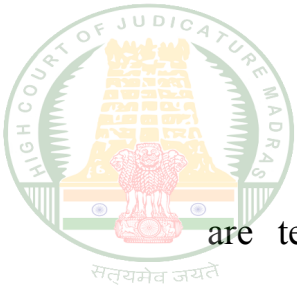
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respondent and consequently, direct the first respondent to absorb permanent employment status to the petitioner.

2. The facts that led to the filing of these writ petitions are as follows:-

On 15/9/1999, petitioners were engaged as Casual Labours in the first respondent office on daily wages from 1999 to 2004 and the fixation of daily wages were fixed, based on the proceedings of the District Collector, Chennai. Based on the eligibility category, petitioners have preferred W.P.No.14959 of 2011, directing the first and second respondents to absorb them as permanent packers with all retrospective attendant benefits. Vide, order, dated 19/6/2012, this Court had directed the petitioners to submit individual applications to the first respondent within two weeks and based on the eligibility criteria, further orders shall be passed within eight weeks by the first respondent.

3. Pursuant to the above said applications, first respondent has passed an order dated 15/9/2012 stating that the labours working in pre-packing unit of Gopalapuram mini godown are not perennial in nature, but



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are temporary as casual labour. Hence, the petitioners had made a representation on 25/6/2022 before the Chief Minister Cell to provide permanent employment status, but the first respondent had rejected the application, vide impugned order dated 3/8/2022. Being aggrieved, the petitioners have come forward with these writ petitions.

4. The Deputy Collector, Regional Manager (South), TNCSC, Gopalapuram, has filed a counter affidavit, wherein it is stated that even though, engagement of the writ petitioners are not against any sanctioned post, Management has sent the proposal to the Government for absorbing 443 casual labours working on daily wages, but the Government has rejected the same.

5. Heard Mr.D.Selvam, learned counsel for the petitioners and Mr.C.Selvaraj, learned counsel for the respondents.

6. The learned counsel appearing for the petitioners submitted that the first respondent had passed the impugned order without application of mind, despite fulfilling the statutory conditions as per law.



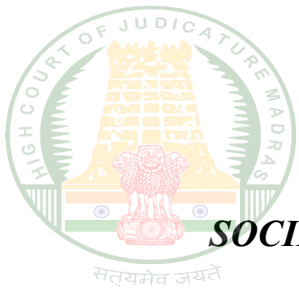
7. The learned counsel appearing for the respondents submitted that the respondent Corporation has not at all directly engaged the petitioners.

The petitioners were engaged in Gopalapuram Mini Godown to do the casual nature of job and not against any sanctioned post. Since these casual labours are not part and parcel of regular establishment, they have no right to claim either permanency or regularization. Moreover, the relief sought for in these writ petitions can be redressed before the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981. Without exhausting the alternate remedy, the petitioners have approached this Court.

8. Perused the materials available on record.

9. When the initial appointment of these writ petitioners were not in accordance with the Recruitment Rules, High Court cannot issue any direction granting the benefit of regularization or permanent absorption. Regularization or permanent absorption is to be granted in accordance with the provisions of the Tamil Nadu Co-operative Societies Act and Rule 149 of the Tamil Nadu Co-operative Societies Rules. The issues in this regard were settled by the Hon'ble Division Bench of this Court in the case of

L.JUSTINE AND ANOTHER Vs. THE REGISTRAR COOPERATIVE



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SOCIETIES, CHENNAI 10 & 2 OTHERS, reported in 2002 4 CTC – 385.

In view of the fact that the petitioners were not appointed in accordance with the Recruitment Rules in force and further, they were working as seasonal employees and more so, in a part time job, their claim for regularisation cannot be considered and there is no infirmity in respect of the order of rejection passed by the first respondent. Moreover, the relief sought for in the writ petitions can be redressed only before the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 and ought not to have approached this Court under Article 226 of the Constitution of India.

10. In such a view of the matter, these writ petitions are dismissed.

No costs.

6/1/2025

mvs.

Index: yes/No

Neutral Citation: Yes/No



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