



W.P(MD)No.9840 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9840 of 2022 and
WMP(MD) Nos. 7071 of 2022 & 22423 of 2023

Kurunkulam Aringar Anna Sarkarai Alai
Thinokkooly Thozhilar Sangam,
A/53, South Street, Mettupatti,
Kurunkulam Melpathi Post,
Thanjavur – 613 303.
Rep by its Secretary,
P.Maran.

... Petitioner

Vs

1.The Chairman and Managing Director,
Tamil Nadu Sugar Corporation,
Nandanam, Chennai 600 035.

2.The Chief Executive,
Aringar Anna Sugar Mills,
Kurunkulam,
Thanjavur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from filling up the vacancies to the post of Mazdoor (Seasonal) in the 2nd Respondent Sugar Mill by direct recruitment without following 3:1 ratio between regular absorption and



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compassionate appointment and consequently directing the respondents to pass orders for absorption of petitioners into regular service as Mazdoor (Seasonal) with all consequential benefits, in consideration of representation submitted by the petitioner Sangam dated 30.04.2022 and 10.05.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.S.Shaji Bino
Standing Counsel

ORDER

The Kurunkulam Aringar Anna Sarkarai Alai Thinokkooly Thozhilar Sangam, Thanjavur has filed this writ petition, seeking a Writ of Mandamus, forbearing the respondents from filling up the vacancies to the post of Mazdoor (Seasonal) in the second respondent Sugar Mill, by considering their representation and consequently directing the respondents to pass an order for absorption of the petitioners into regular service as Mazdoor (Seasonal) with all consequential benefits.

2.The petitioner Sangam is registered under the provisions of Trade Unions Act, 1926 with Registration No. 624/TAJ. The case of the petitioner Sangam is that its members have



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been appointed as NMRs in the second respondent Mill, through the employment Exchange, on daily wages, during the period from 1977 to 1989. They have been paid with salary as per the rate fixed by the Commissioner, Tamil Nadu Sugar Corporation. These NMRs, who were engaged in the year 1977 have completed more than 30 years of service. Though 200 persons were originally employed, 120 persons were retired as NMRs, without any regular absorption. There was a settlement under Section 18(1) of Industrial Disputes Act, dated 18.06.2009, with regard to staffing pattern of the Sugar Mills. Based on the settlement, 16 persons have been absorbed in the year 2011 and 35 persons have been absorbed in the year 2014 as Mazdoors, however, remaining 27 persons, who have rendered more than 25 of service have not yet been absorbed. The petitioner Sangam has been repeatedly requesting the Management to absorb all these 27 persons as Mazdoors and to regularize their services, however, the same has not been considered. Instead, attempts have been made to engage some other NMRs in their position. Therefore, these petitioners have approached this Court in the year 2022.



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3.While entertaining this writ petition, this Court, by its order, dated 20.05.2022, has passed an order in the application filed for interim relief that without hearing the other side, the interim relief cannot be granted at that stage. It was also made clear that filling up of the vacancies by the second respondent will be subject to the result of this writ petition. Thereafter, when this writ petition was taken up for hearing, considering the submissions made by the petitioner Sangam that out of 200 employees, 120 persons have already left the job and only 80 persons are working, out of which, 57 have already been absorbed and remaining 23 persons needs to be absorbed, this Court, by its order, dated 29.10.2025, directed the learned Standing Counsel to get instructions as to the possibility of regularizing the remaining employees also.

4.The learned Standing Counsel appearing for the respondents, by referring to the Judgment of the Division Bench of Principal Seat of this Court in 2005 Writ L.R.389, submits that a Sangam cannot maintain a writ petition on behalf of its members, for their benefits. He has also relied on the Government Order in G.O.



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(Ms) No.250, Industries (MIC.2) Department, dated 24.12.2014 and submits that some of the NMRs have been absorbed as regular employees, pursuant to the above said Government Order, as one time measure, with a condition that it cannot be referred as a precedent for any other future recruitments. While regularizing the services of those particular employees, the Government has issued a specific direction that in future, only qualified persons should be recruited for the post of Mazdoors so as to avoid any relaxation for promotion to the semi-skilled posts.

4.1.He has also relied on various other proceedings of the Commissioner of Sugar, dated, 19.02.2021, 04.02.2021, 01.12.2020, 13.01.2021 and submits that the Government has taken a policy decision that there cannot be any absorption of NMRs in the Sugar Mill as Mazdoors. He has also brought to the notice of this Court that a batch of writ petitions in WP.Nos.31876 & 31884 of 2023 have been filed by the Secretary of Chengalrayan Co-operative Sugar Mills Temporary Workers Union and the Secretary of Kurungulam Arignar Anna Sarkarai Aalai Dhinakooli Thozhilalar



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Sangam/the petitioner herein, before the Principal Seat of this Court, for a Mandamus to direct the Government to regularize the service of their members, from the date of their initial appointment and also absorb them as regular employees. Those writ petitions were disposed of by the Principal Seat of this Court, by its order dated 29.10.2024, directing the Director of Sugar, Nandanam, Chennai, to consider the petitioners' representations and dispose of the same on merits within a period of four weeks from the date of receipt of a copy of that order. Accordingly, the Director of Sugar has passed an order, rejecting the request of the petitioners that they are not entitled for absorption and regularization, by an order dated, 28.02.2025. Therefore, the learned Standing Counsel insisted that when an order has been obtained by the petitioner Sangam from the Principal Seat of this Court for the same relief, this writ petition is liable to be dismissed.

5.The learned counsel for the petitioner seeks a short accommodation to get instructions.



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6.This Court considered the rival submissions made and also perused the materials placed on record.

7.Admittedly, the relief sought for in this writ petition is to forbear the respondents from filling up the vacancies to the post of Mazdoor (Seasonal) in the second respondent Sugar Mill and also to direct the respondents to absorb the petitioners into regular service as Mazdoor (Seasonal) with all consequential benefits. For the very same relief, this petitioner has filed another writ petition before the Principal Seat of this Court in the year 2024, by suppressing the pendency of this writ petition and also obtained an order on 29.10.2024, for considering their representation. Accordingly, the representation of this petitioner was also considered and an order, rejecting the request of this petitioner has also been passed by the Director of Sugar, by order, dated 28.02.2025.

8.In view of the subsequent developments that on the very same relief, an order has been passed by the Principal Seat of



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this Court in WP.Nos.31876 & 31884 of 2023, dated 29.10.2024, based on which, the representation of this petitioner was considered and rejected by the Director of Sugar, by his order, dated 28.02.2025, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is closed. It is open to the petitioner Sangam to work out their remedy, by challenging the order of the Director of Sugar, Chennai, dated 28.02.2025, in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are also closed.

06.11.2025

Index:Yes
Internet:Yes
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To

- 1.The Chairman and Managing Director,
Tamil Nadu Sugar Corporation,
Nandanam, Chennai 600 035.
- 2.The Chief Executive,
Aringar Anna Sugar Mills,
Kurunkulam,
Thanjavur District.



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B.PUGALENDHI, J.

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