



W.P.(MD)No.18970 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.18970 of 2019

Mariappan

... Petitioner

Vs.

1.The Director,
Khadi & Village,
Industries Commission,
Divisional Office,
Bye-Pass Road,
Madurai-625 010,
Madurai District.

2.The Secretary,
The Tamil Nadu Sarvodaya Sangh,
Gandhi Nagar, Thiruppur,
Thiruppur District.

3.The Secretary,
Ramanathapuram District Sarvodaya Sangh,
Charka Works, Srivilliputtur,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take necessary steps to reinstate the petitioner in service as a Carpenter in the Ramanathapuram District Sarvodaya Sangh at Srivilliputtur within the stipulated period.



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W.P.(MD)No.18970 of 2019

For Petitioner : Mr.M.Jothibasu
For R2 & R3 : Mr.K.R.Badurus Zaman,
Government Advocate.
For R1 : Mr.S.Murugan

ORDER

This writ petition has been filed seeking a direction to the first respondent to take necessary steps to reinstate the petitioner in service as a Carpenter in the Ramanathapuram District Sarvodaya Sangh at Srivilliputtur.

2.It is the case of the petitioner that Ramanathapuram District Sarvodaya Sangh is an industry certified by Khadi & Village Industries Commission, Government of India. The said Sangh is engaged in production of furniture like tables, bureau, cot, chair, etc., totally 25 persons are working in the Sangh. The petitioner was appointed in the year 1971 as Carpenter in Ramanathapuram District Sarvodaya Sangh. He was working in Sangh from the particular year without any break. The Sangh has deducted amount from the salary for employees provident fund. The petitioner's P.P.O. Number is 75441. The



W.P.(MD)No.18970 of 2019

WEB COPY

Sarvodaya Sangh took insurance policy for employees. The petitioner's policy number is 7304101421700000150. He had received monthly salary from Sangh and he had been engaged in different type of work by Sangh. On 28.11.2018, the third respondent dismissed the petitioner from service and other seven employees without any reason and prior to the same, no show cause notice or charge memo was issued, no explanation was received, no enquiry has been conducted. Further, the third respondent put end the service by way of oral information, no written order was communicated to him. Therefore, the procedure adopted by the third respondent is illegal. The petitioner submitted a representation dated 25.02.2019 before the Chairman of District Legal Service Authority, Srivilliputtur. On 06.08.2019, he sent representation to the respondents. But, the authorities did not take any steps to dispose his representation. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that the representation submitted by the petitioner dated 06.08.2019 is still pending with the respondent and they may be directed to consider the same.



W.P.(MD)No.18970 of 2019

4.Per contra, the learned counsel appearing for the first respondent would submit that the third respondent Ramanathapuram District Sarvodaya Sangh is a separate entity, which is registered under Society Registration Act and having its own rules and regulations for administering, its day-to-day affairs and service matters. The first respondent has no rule to instruct the third respondent, since they are having its own rules and regulations and the first respondent is only monitoring the funds and provided to them.

5.The learned Government Advocate appearing for the respondents 2 & 3 would submit that the petitioner was working as daily wages on temporary basis and he has not locus standi to claim his service regularization or other permanent employment.

6.It is seen from the typed-set of papers that the petitioner was employed under the third respondent on daily wages and drawn Rs.23/- per day, as per receipt dated 22.05.1993 issued by the third respondent herein. The petitioner has failed to establish that he has been appointed on the basis of the proper requirement rules followed by the third respondent. Admittedly, the third respondent is a separate entity and



W.P.(MD)No.18970 of 2019

registered under Societies Registration Act and having its own rules and regularization for administering, its day-to-day affairs and service matters. There is no reason to direct the respondent to consider the representation of the petitioner. There is no merits in this writ petition and the same is liable to be dismissed.

7.In the result, this writ petition is dismissed. No costs.

NCC : Yes / No
Index : Yes / No
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19.03.2025

To

1.The Secretary,
The Tamil Nadu Sarvodaya Sangh,
Gandhi Nagar, Thiruppur,
Thiruppur District.

2.The Secretary,
Ramanathapuram District Sarvodaya Sangh,
Charka Works, Srivilliputtur,
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W.P.(MD)No.18970 of 2019

M.JOTHIRAMAN, J.

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W.P.(MD)No.18970 of 2019

19.03.2025