

W.P.(MD).No.14022 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14022 of 2019

N.Chandrakumaran

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Limited,
Represented by its
General Manager,
Kumbakonam Division -II,
Trichy -1.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned award of the first respondent dated 29.09.2016 passed in I.D.No.56/2010, quash the same and consequently direct the respondents to reinstate the petitioner in service with continuity of service, back wages and all other attendant benefits.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondent : Mr.P.Balasubramanian



W.P.(MD).No.14022 of 2019

ORDER

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A temporary Conductor of the respondent Transport Corporation has filed the present Writ Petition challenging the dismissal of I.D.No.56 of 2010 on the file of the Labour Court, Tiruchirappalli.

2. The petitioner herein was working as a Conductor in the respondent Transport Corporation as a casual employee. He alleged that he was working from 05.10.1992 onwards and suddenly he was orally terminated from service on 14.08.2007. Hence, he has raised industrial dispute before the Labour Court. According to him, he has been working for so many years and he is entitled to be conferred with permanent status. It was further contended that similarly placed other drivers and conductors have been regularized but he was not regularized. Therefore, the respondent/Transport Corporation had shown discrimination as against him and they have refused to give employment after 14.08.2007.

3. The Management had filed a counter contending that he was only a casual employee engaged during festival seasons or during strike of the

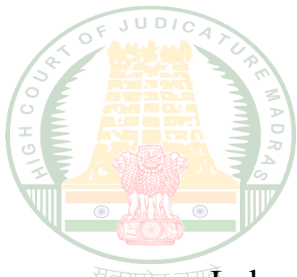


W.P.(MD).No.14022 of 2019

WEB COPY

employees of some of the unions. He was not appointed by the Corporation but he was engaged under the individual directions of the Branch Manager. Therefore, there is no employer-employee relationship between the respondent and the petitioner. In such circumstances, the petitioner would not be entitled to benefits under the Industrial Disputes Act. Though he contends that he was disengaged from the year 2007, the industrial dispute has been raised only in the year 2010 belatedly. In such circumstances, it was contended that an application filed under Section 2-A of the Industrial Disputes Act, is not maintainable.

4. The Labour Court, after considering the documents on the side of the workman and the Management, has arrived at a finding that there is no employer-employee relationship between the respondent and the petitioner. The petitioner is only a casual employee. The Labour Court further pointed out that the petitioner was not regularly appointed by the Management and he was appointed only at the discretion of the Branch Manager during festival seasons and certain exigencies. The Labour Court further found that the workman has not established that he has completed 240 days in a year and 480 days in a period of 24 months. Based upon the above said findings, the



W.P.(MD).No.14022 of 2019

WEB COPY

Labour Court has proceeded to dismiss the application. Challenging the same, the present Writ Petition has been filed.

5. According to the learned counsel appearing for the petitioner/workman, the documents filed on the side of the workman would clearly establish that he is an employee at least from the year 1992 onwards. Several invoices filed on the side of the workman would clearly establish the fact that he has been engaged by the Transport Corporation. Since the period of employment is for more than 15 years, he had certainly completed 480 days in the period of 24 months. He is eligible for conferment of permanent status. Only to avoid conferment of permanent status he was orally terminated by the Management.

6. The learned counsel appearing for the petitioner further pointed out that since he was a temporary employee and he had attended one of the interviews for being appointed as a regular employee by way of sponsorship of the district employment office. Therefore, such a procedure adopted by the workman cannot be put against him for conferment of permanent status.



W.P.(MD).No.14022 of 2019

WEB COPY

7. Per contra, the learned Standing Counsel appearing for the respondent/Transport Corporation contended that there is no employer-employee relationship between the respondent and the petitioner as he was not appointed by the Corporation by following due process of law. He further pointed out that the appointment was restricted to festival seasons.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. A perusal of the records filed on the side of the workman would clearly reveal that he was engaged by the Branch Manager of the Transport Corporation as a casual employee during festival seasons or during certain periods during which there was a strike by the employees of some of the trade unions. Therefore, no appointment order was issued by the Transport Corporation. In such circumstances, it is clear that there is no employer employee relationship between the Transport Corporation and the petitioner. As such, the Labour Court has given a specific finding that the petitioner has not established that he had completed 480 days in a period of 24 months.



W.P.(MD).No.14022 of 2019

WEB COPY

10. It is clear that the petitioner was engaged and disengaged only by the concerned Branch Manager and there is no employer- employee relationship between the Transport Corporation and the petitioner/ workman. In such circumstances, the petitioner cannot invoke Section 2-A of the Industrial Disputes Act and seek reinstatement in the Transport Corporation. The Labour Court has rightly arrived at a finding that an application filed under Section 2-A of the Industrial Disputes Act, is not maintainable and there are no merits in the Writ Petition.

11. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

25.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumbakonam Division -II,
Trichy -1.

6/7



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W.P.(MD).No.14022 of 2019

R.VIJAYAKUMAR,J.

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W.P(MD)No.14022 of 2019

25.06.2025