



W.P(MD)No.16543 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.16543 of 2023

and

W.M.P(MD)No.13830 of 2023

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Tiruchirapalli.

... Petitioner

Vs

1.The Assistant Commissioner of Labour,
Tiruchirappalli,
Tiruchirappalli District.

2.The General Secretary,
Tamil Nadu State Transport Corporation
Employees Union,
11-C, Williams Road,
Mudukku Theru,
Cantonment, Trichy 1.

... Respondents



W.P(MD)No.16543 of 2023

WEB COPY

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order passed by the first respondent in Na.Ka.No.4607/2015 dated 16.07.2019 and quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Mahaboob Athiff (R1)
Counsel for State
: Mr.s.Arunachalam (R2)

ORDER

This Writ Petition has been filed challenging the order dated 16.07.2019 passed by the first respondent and seeking to quash the same.

2.Learned counsel appearing for the petitioner Corporation submitted that the petitioner Corporation has its own Service Rules, Certified Standing Orders and Government Orders governing the service conditions of its employees, including the conditions relating to appointment and conferment of permanent status. It is submitted that all drivers and conductors are initially appointed as reserve drivers and reserve conductors and are subsequently engaged as temporary drivers and temporary



W.P(MD)No.16543 of 2023

WEB COPY

conductors against permanent vacancies as and when such vacancies arise.

According to the petitioner, only upon completion of the prescribed period of continuous service are they regularised and granted permanent status in accordance with the applicable Rules.

3.It is further submitted that the second respondent Union, claiming to represent 225 reserve drivers and reserve conductors working in 15 different branches of the petitioner Corporation, submitted an application before the first respondent seeking conferment of permanent status under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, on the ground that the workmen had completed 480 days of continuous service within a period of two calendar years. It is also submitted that similar applications were pending before the first respondent from the year 2015 and that, during the pendency of those proceedings, the concerned workmen were regularised by the Corporation in the year 2016. However, by the impugned order dated 16.07.2019, the first respondent held that the members of the second respondent Union had completed 480 days of



W.P(MD)No.16543 of 2023

WEB COPY

continuous service within two calendar years and were, therefore, entitled to permanent status from the date of completion of the statutory qualifying period together with all consequential benefits. Aggrieved by the said order, the present Writ Petition has been filed.

4.Learned counsel for the petitioner further submitted that the second respondent Union had no locus standi to seek conferment of permanent status on behalf of all its members, as each workman was appointed on different dates and the eligibility of every individual workman had to be independently established. It is contended that, in the absence of individual proof demonstrating completion of 480 days of continuous service within two calendar years, the first respondent ought not to have granted permanent status to all the members of the Union by a common order. It is further submitted that the impugned order is unsupported by the relevant records and is therefore perverse and liable to be set aside.



W.P(MD)No.16543 of 2023

WEB COPY

5.Per contra, learned counsel appearing for the second respondent Union submitted that the petitioner Corporation recruited drivers and conductors only against sanctioned vacancies available in the respective branches through the Employment Exchange after verifying the prescribed qualifications. Having recruited them against existing vacancies, the petitioner Corporation cannot subsequently contend that they were merely reserve drivers or reserve conductors so as to deny them the statutory benefit of permanent status.

6.It is further submitted that the workmen had continuously worked under the petitioner Corporation without any break in service. The attendance registers, Form VI registers and other statutory records, which alone would establish the actual period of service rendered by the workmen, were admittedly in the exclusive custody of the petitioner Corporation. Despite specific directions, the petitioner Corporation failed to produce the relevant records before the first respondent. Consequently, the first respondent rightly drew an adverse inference against the petitioner



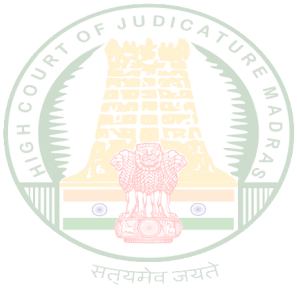
W.P(MD)No.16543 of 2023

WEB COPY

Corporation and, on appreciation of the available evidence, recorded a factual finding that the workmen had completed 480 days of continuous service within two calendar years during the period between 2013 and 2015. Based on such finding, permanent status was rightly conferred. It is therefore contended that the well-considered order of the first respondent does not warrant interference under Article 226 of the Constitution of India.

7.This Court has carefully considered the rival submissions and perused the materials available on record.

8.The first respondent, on appreciation of the oral and documentary evidence, has recorded a categorical finding that the members of the second respondent Union had completed the qualifying period of continuous service prescribed under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The said finding is essentially one of fact, arrived at after drawing an adverse inference against the petitioner Corporation for its failure to produce the



W.P(MD)No.16543 of 2023

WEB COPY

statutory records, namely the attendance registers, Form VI registers and other relevant documents, which were admittedly in its exclusive possession. It is well settled that this Court, while exercising its jurisdiction under Article 226 of the Constitution of India, does not sit as an appellate authority over factual findings recorded by the statutory authority unless such findings are shown to be perverse, arbitrary or unsupported by any evidence. In the present case, no such ground has been made out by the petitioner Corporation warranting interference with the impugned order.

9. During the course of hearing, learned counsel appearing for the petitioner Corporation submitted, on instructions, that the members of the second respondent Union are willing to forego the arrears of difference in wages for the period from the date on which they became entitled to permanent status till the date of their regularisation. The said submission is placed on record.



W.P(MD)No.16543 of 2023

WEB COPY

10. In view of the above, while upholding the impugned order conferring permanent status upon the members of the second respondent Union, it is made clear that they shall not be entitled to the arrears of difference in wages for the period from the date of completion of 480 days of continuous service till the date of their regularisation, in view of the concession made on their behalf. However, they shall be entitled to all other attendant and consequential service benefits flowing from the conferment of permanent status, including continuity of service, seniority and all other service benefits, in accordance with law.

11. Accordingly, this Writ Petition stands dismissed, subject to the above clarification. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

13.07.2026

NCC : Yes / No

Index : Yes / No

ps

8/10



W.P(MD)No.16543 of 2023

WEB COPY

To

1.The Assistant Commissioner of Labour,
Tiruchirappalli,
Tiruchirappalli District.

2.The General Secretary,
Tamil Nadu State Transport Corporation
Employees Union,
11-C, Williams Road,
Mudukku Theru,
Cantonment, Trichy 1.



WEB COPY



W.P(MD)No.16543 of 2023

M.DHANDAPANI, J.

ps

W.P(MD)No.16543 of 2023

13.07.2026