



W.P(MD)No.23056 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23056 of 2023

and

W.M.P.(MD).No.19249 of 2023

The Management,
State Express Transport Corporation,
Pallavan Salai,
Chennai-2.

... Petitioner

Vs

1.The Assistant Commissioner of Labour (Implementation),
Madurai, Madurai District.

2.V.Selvamayil

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the first respondent pertaining to the proceedings in CPS.No.31 of 2019 dated 03.06.2022 and quash the same.

For Petitioner : Mr.SC.Herold Singh



W.P(MD)No.23056 of 2023

WEB COPY

For R-1

: Mr.M.Mahaboof Athiff,
Counsel for the State

For R-2

: Mr.K.Saravanakumar

ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent in C.P.S. No.31 of 2019, dated 03.06.2022.

2. Heard the learned counsel appearing on either side.

3. The learned counsel appearing for the petitioner would submit that the second respondent was initially appointed as a Driver-cum-Conductor on 28.09.2012 in the Reserve Crew. Thereafter, by proceedings dated 11.12.2014, he was brought under the daily wage category with effect from 01.10.2014. It is further submitted that, from 21.11.2018, the second respondent was prevented from discharging his duties. Aggrieved by the same, he filed a writ petition before this Court and, pursuant to the directions issued therein, the dispute was referred to the Commissioner of Labour. Based on the orders passed by the Commissioner of Labour, the second respondent was permitted to rejoin duty on 26.11.2019. It



W.P(MD)No.23056 of 2023

WEB COPY

is the further contention of the petitioner that the second respondent claimed permanent status on the ground that he had completed 480 days of continuous service within a period of 24 calendar months, as contemplated under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. In this regard, he had submitted applications before the first respondent seeking conferment of permanent status. Subsequently, however, his services came to be regularised by the petitioner Corporation under the settlement entered into under Section 12(3) of the Industrial Disputes Act. Despite such regularisation, the first respondent, by the impugned proceedings in C.P.S. No.31 of 2019, granted permanent status to the second respondent from the date on which he completed 480 days of continuous service. Thereafter, his services were regularised with effect from 03.02.2021. Challenging the said order, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would further submit that, once the services of the second respondent had already been regularised under the settlement arrived at under Section 12(3) of the Industrial Disputes Act, the authority under the Tamil Nadu Industrial Establishments (Conferment of



W.P(MD)No.23056 of 2023

WEB COPY

Permanent Status to Workmen) Act, 1981 had no jurisdiction to once again confer permanent status with retrospective effect. On the above ground, it is contended that the impugned order is liable to be set aside.

5. Per contra, the learned counsel appearing for the second respondent would submit that, admittedly, on the dates when the applications seeking conferment of permanent status were filed, the second respondent had not been regularised. Therefore, he was fully entitled to invoke the provisions of Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 for claiming permanent status upon completion of 480 days of continuous service. After considering the oral and documentary evidence, the first respondent rendered a finding of fact and granted the relief. Such a finding does not warrant interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, in the absence of any perversity or patent illegality.

6. The learned counsel for State appearing for the first respondent would submit that the Division Bench of this Court, in the batch of writ appeals in W.A.



W.P(MD)No.23056 of 2023

WEB COPY

(MD) Nos.442 of 2025 etc., batch, has held that where an employee is already a permanent employee, he cannot maintain a claim before the authority constituted under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act. However, in the present case, when the second respondent approached the first respondent by filing applications seeking conferment of permanent status, he was only a temporary employee. Therefore, the applications were maintainable and were rightly entertained by the first respondent. Hence, no interference is called for with the impugned order.

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

8. It is not in dispute that the second respondent had filed applications seeking conferment of permanent status at a point of time when his services had not been regularised. Therefore, the applications were maintainable under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The subsequent regularisation of his services under a settlement arrived at under Section 12(3) of the Industrial



W.P(MD)No.23056 of 2023

WEB COPY

Disputes Act would not render the proceedings already initiated under the Act non-maintainable, nor would it divest the first respondent of the jurisdiction to adjudicate upon the claim. The first respondent, upon appreciation of the oral and documentary evidence, has arrived at a finding of fact that the second respondent had completed the qualifying period of 480 days of continuous service and was entitled to the benefit of permanent status from the date of such completion. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, does not sit as an appellate authority over such findings of fact. No perversity, arbitrariness, or jurisdictional error has been demonstrated so as to warrant interference with the impugned order.

9. At this juncture, the learned counsel appearing for the second respondent fairly submitted that, although this Court may uphold the order passed by the first respondent, the second respondent is willing to waive his claim for back wages for the interregnum period. However, he seeks continuity of service and all other attendant service benefits flowing from the conferment of permanent status.



W.P(MD)No.23056 of 2023

WEB COPY 10. Recording the said submission, this Court makes it clear that the second respondent shall be entitled to continuity of service and all consequential service benefits arising out of the order conferring permanent status. However, he shall not be entitled to claim back wages for the period prior to his regularisation.

11. In the light of the above, the writ petition stands dismissed, subject to the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

15.07.2026

NCC : Yes / No

Index : Yes / No

TSG

To

The Assistant Commissioner of Labour (Implementation),
Madurai, Madurai District.



WEB COPY



W.P(MD)No.23056 of 2023

M.DHANDAPANI, J.

TSG

W.P(MD)No.23056 of 2023

15.07.2026