



W.P(MD)No.28539 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.28539 of 2023

A.Balaji

... Petitioner(s)

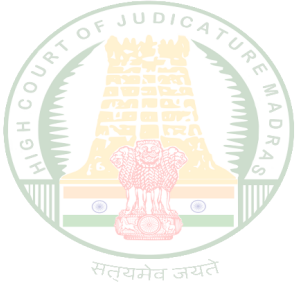
vs.

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan Salai,
Chennai-2.

2. The Managing Director,
Tamilnadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli.

... Respondent(s)

COMMON PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to confirm the service of the petitioner as Driver on completion of 480 days with effect from the next day of 08.04.2002 from the date of joining on 19.09.2000 in terms of the orders of the controlling Authority under the provisions of the Tamilnadu Industrial Establishment (Conferment of Permanent



W.P(MD)No.28539 of 2023

WEB COPY

Status to Workman) Act, 1981/Assistant Commissioner of Labour (Enforcement)-2 Chennai dated 06.06.2023 with all monetary and consequential benefits.

For Petitioner : Mr. S.Govindan

For Respondents : Mr.S.C.Herold Singh, Standing Counsel for R1
Mr.D.Jebaraj, Standing Counsel for R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to confirm the service of the petitioner as Driver on completion of 480 days with effect from the next day of 08.04.2002 from the date of joining on 19.09.2000 in terms of the orders of the controlling Authority under the provisions of the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981/Assistant Commissioner of Labour (Enforcement)-2 Chennai dated 06.06.2023 with all monetary and consequential benefits.



W.P(MD)No.28539 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner initially entered service as a Driver in the first respondent Corporation through the Employment Exchange in the year 2000. Thereafter, at his own request, he was transferred to the second respondent Corporation in the year 2007. It is the further submission of the learned counsel for the petitioner that, though the petitioner had completed 480 days of continuous service, he was not conferred permanent status immediately upon such completion. Instead, his services came to be regularized only in the year 2006. According to the learned counsel, several similarly placed employees had approached the competent authority under the “Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981” (hereinafter referred to as “the Act”, for brevity), seeking conferment of permanent status and such petitions were allowed in their favour. Following the same course, the petitioner also approached the competent authority by filing an application under the said Act in the year 2022. The competent authority, by order dated 06.06.2023, allowed the petition and directed conferment of permanent status upon the petitioner. The learned counsel further submitted that the said order was challenged by the first respondent Corporation before the Principal Seat of this Court in W.P. No.3892 of



W.P(MD)No.28539 of 2023

WEB COPY

2024 and this Court, by order dated 22.04.2026, allowed the writ petition and set aside the order of the competent authority.

3. The grievance of the petitioner is that, at the time when the first respondent filed W.P.No.3892 of 2024, the present writ petition was already pending before this Court. However, suppressing the pendency of the present writ petition and without impleading the petitioner therein, the first respondent obtained an order from the Principal Seat behind the back of the petitioner. According to the learned counsel, such suppression of material facts and obtaining an order without affording an opportunity to the petitioner is impermissible in law. Hence, he prayed for appropriate orders.

4. Per contra, the learned Standing Counsel appearing for the respondents Corporation submitted that the petitioner was initially appointed in the first respondent Corporation and his services were regularized in the year 2006 itself. Thereafter, on his own request, he was transferred to the second respondent Corporation in the year 2007. The learned Standing Counsel further contended that once the petitioner's services had already been regularized in the



W.P(MD)No.28539 of 2023

WEB COPY

year 2006, he was not entitled, after a lapse of nearly fifteen years, to invoke the provisions of the Act seeking conferment of permanent status once again. Accordingly, he prayed for appropriate orders.

5. Heard the submissions made on either side and perused the materials available on record.

6. Admittedly, the very same issue had already been considered by the Principal Seat of this Court in W.P. No.3892 of 2024, wherein the order of the competent authority dated 06.06.2023 was set aside. Therefore the relief sought in the present writ petition, namely implementation of the order dated 06.06.2023, is no longer maintainable, as the said order itself has already been quashed by this Court. In such view of the matter, no direction can be issued for implementation of an order which is no longer in existence. Accordingly, this writ petition stands dismissed. No costs.

28.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



W.P(MD)No.28539 of 2023

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To

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(Tirunelveli) Limited,
Tirunelveli.



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W.P(MD)No.28539 of 2023

M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 28.07.2026