

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.A. No.1233 of 2015 and M.P. No.1 of 2015

The Regional Manager
Tamil Nadu Civil Supplies Corporation Ltd
Vellore District Appellant/Petitioner.

Vs.

1. D. Sekar
2. P. Jayapal
3. R. Ramesh
3. The Inspector of Labour
Thiruvannamalai. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.09.2014 passed in W.P.No.5778 of 2014 presented under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order in Case No. /59/2013 dated 16.2.2013 on the file of the 4th Respondent/Inspector of Labour, Thiruvannamalai.

For appellant Mr.C.Munusamy

For RR 1-3 Mr.V.Sanjeevi

J U D G M E N T

(delivered by SATISH K. AGNIHOTRI, J.,)

The instant intra-Court appeal emanates from the order dated 22nd September, 2014 rendered in W.P. No.5778 of 2014.

2 The Inspector of Labour, Tiruvannamalai, exercising power under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, (for short "the Act") and the Rules framed thereunder, recording the fact that

the private respondents/employees, on account of their continuous work since 1st August, 1997, on having completed 480 days of work continuously in a span of 24 months, are entitled to be conferred permanent status, passed an order on 16th August, 2013, accordingly.

3 The appellant Corporation, questioning the correctness of the said order, filed the instant writ petition on the ground that the private respondents/employees were not recruited according to the Service Regulations of the appellant Corporation. The Inspector of Labour, without considering the rules and regulations of the appellant Corporation, held that the private respondents/employees are entitled to permanent status. They were not full time employees and their nature of work is not a continuous one. They have not worked continuously for 480 days in 24 months and as such, the proceedings of the Inspector of Labour is liable to be set aside.

4 On the other hand, the learned counsel for the private respondents, submits that the order sought to be impugned before the learned Single Judge was passed by the Inspector of Labour in accordance with the legal provisions and the order impugned herein, passed by the learned Single Judge, is correct and legal, warranting no interference.

5 We have considered the rival submissions advanced by the learned counsel for the parties.

6 We have carefully perused the order passed by the Labour Inspector, wherein, all the facts have been considered in detail. What is the requirement under the provisions of Section 3(1) of the Act is a continuous service for a period of 480 days in a period of 24 calendar months. The appellant Corporation has not produced any material in rebuttal of the said finding of facts, except the self-serving averment in the affidavit filed in support of the writ petition.

7 In the course of argument, the learned counsel for the appellant Corporation takes up a new plea, for the first time, that the provisions of the Act are not applicable. The appellant Corporation has not produced any justification in support of the said stand. Admittedly, the private respondents herein were working as Car-way Boys in the appellant Corporation. It is also properly established that they have worked for a period of 480 days continuously in 24 calendar months, as aforesaid. Thus, we do not find any reason to take a contrary view to the one taken by the learned Single Judge.

8 Resultantly, this intra-Court appeal fails and is accordingly dismissed. Costs made easy. Connected Miscellaneous Petition is closed.

cad

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Regional Manager
Tamil Nadu Civil Supplies Corporation Ltd
Vellore District

2. The Inspector of Labour,
Thiruvanamalai.

+ 1 cc to Mr.C.Munusamy, Advocate SR 46594

+ 1 cc to Mr.V.Sanjeevi, Advocate SR 46905

tej(co)
kra 15/9

W.A. No.1233 of 2015



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