



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.07.2017**

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND**

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.1235 of 2011

and

M.P.(MD)No.1 of 2011

The Management,
Agricultural College and Research Institution,
Tamil Nadu Agricultural University,
Killikulam, Vallanaadu,
Turicorin District.

: Appellant/ Petitioner

Vs.

1. Inspector of Labour,
(Authority under Tamilnadu
Conferment of Permanent Status
Act 1981), Labour Department,
104, Beach Road, Tuticorin -1.

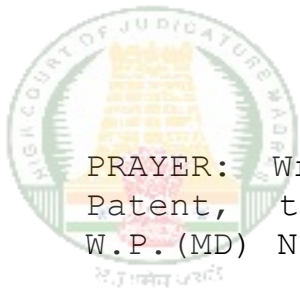
2.S.Veeramani
3.G.Rajendiran
4.P.Ramasamy
5.K.Rajasaraswathi
6.K.Mayakrishnan
7.S.Boothathan
8.S.Thanburajan
9.V.Vallinayagam
10.S.Manickam
11.S.Mahesh
12.G.Rathinasamy
13.S.Kanaga Narayanan
14.N.Nallamuthu
15.E.Packiam
16.B.Balaji
17.S.Ponnusamy
18.S.Petchimuthu
19.R.Thanappan
20.The Agricultural Production Commissioner
and Principal Secretary to Government,
Secretariat, Fort St. George,
Chennai - 600 009.

: Respondents/ Respondents

(20th respondent is suo motu impleaded

<https://hcservices.ecourts.gov.in/hcservices/>

vide Court order dated 13.02.2017)



PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 19.07.2011 passed in W.P.(MD) No.10691 of 2007 on the file of this Court.

Prayer in WP(MD). 10691/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari, calling for the records relating to the proceedings of the first respondent in his proceedings dated 6.7.2007 in Na.ka.No.E/8374/2004 and to quash the same.

For Appellants	: Mr.S.Kadarkarai
For Respondents	: Mr.M.E.Ilango
	for RR2 to 5, 7, 9 to 11,14 to 17
	Mr.D.Nallathambi
	for RR6, 12 and 13

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The Management of Agricultural College and Research Institution, Tamil Nadu Agricultural University, Killikulam, Vallanaadu, Tuticoin is on appeal, questioning the order dated 19 July 2011, dismissing W.P.(MD) No.10691 of 2007 filed by them.

2.The writ petition was filed challenging the award dated 06 July 2007 in Na.Ka.No.E/8374/2004 passed by the Inspector of Labour (The Authority under Tamilnadu Conferment of Permanent Status Act 1981). The respondents 2 to 19 in the writ petition were originally appointed for attending the regular farm operations, as agricultural casual labourers in the appellant institution. They had completed 480 days in 24 calender months and therefore, they claimed conferment of permanent status, by invoking the provision of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to the Workmen) Act, 1981. The authority, on appreciation of evidence, recorded a finding that the workmen concerned had completed 480 days in the preceding 24 months and therefore, they were entitled to conferment on permanent status. The contentions raised by the appellant herein with regard to the jurisdiction of the statutory authority were negatived by the learned single Judge.

3.The counsel representing the workmen informed the Court that if the award passed by the statutory authority was implemented without any delay, they would give up their claim for backwages. ~~For the reasons stated above, the writ petition was dismissed. The leaned single Judge modified the award of the authority to the effect that the respondents 2 to 19 will not be~~

February

5. When the matter was taken up again today, the learned counsel for the appellant submitted the letter in No.4865/AU/2017-6, dated 13 June 2017 issued by the 20th respondent/Agricultural Production Commissioner Principal Secretary to Government, addressed to the Registrar, Tamil Nadu Agricultural University stating that compliance of the proposal of the University was not found feasible by the Government.

7. Be that as it may, we direct the appellant to submit a fresh proposal in respect of those covered in the present proceedings alone and forward the same to the Government for approval. The 20th respondent/Agricultural Production Commission and Principal Secretary to Government, is directed to regularise the remaining workers covered in the present proceedings.

<https://hcservices.courts.gov/infocservices/>



offer already made by the counsel for the workmen that if they were regularised with effect from the date of award, they would not claim backwages.

9. This writ petition is disposed of with the direction set out above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. Inspector of Labour,
(Authority under Tamilnadu
Conferment of Permanent Status
Act 1981), Labour Department,
104, Beach Road,
2. The Agricultural Production Commissioner
and Principal Secretary to Government,
Secretariat, Fort St. George,
Chennai - 600 009.

+1cc to Mr.M.E.Ilango, Advocate Sr.No.64622
+1cc to Mr.S.Kadarkarai, Advocate Sr.No.64695

ARUL

VB/KP/SAR2/19.07.2017/4P/5C

JUDGMENT MADE IN
W.A. [MD] .No.1235 of 2011
and
M.P. (MD) No.1 of 2011
11.07.2017