



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.10.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)Nos.1455 and 1456 of 2018
and
W.M.P.(MD).Nos.10245 and 10246 of 2018

The Management of
Tamilnadu State Transport Corporation,
(Madurai) Limited, Madurai Division,
Bye Pass Road, Madurai. .. Appellant/Petitioner
in both cases

-Vs-

1.The Labour Inspector,
Ellis Nagar,
Madurai - 625 016. .. 1st Respondent/Respondent
in both cases

2.S.Senthil .. 2nd Respondent/Respondent
in W.A.(MD).No.1455 of 2018

2.S.Selvaganapathy .. 2nd Respondent/Respondent
in W.A.(MD).No.1456 of 2018

COMMON PRAYER: Petitions filed under Clause 15 of Letters Patent,
praying to set aside the orders passed by this Court in W.P.(MD).
Nos.3493 and 3557 of 2016, dated 20.02.2018.

Prayer in WP(MD). 3493/ 2016 :

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 of the 1st respondent in his proceeding in
Na.Ka.No.Aa/5620/14 dated 19.08.2015, quash the same.

Prayer in WP(MD). 3557/ 2016 :

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 of the 1st respondent in his proceeding in
Na.Ka.No.Aa/5621/14 dated 19.08.2015 quash the same.



In both cases:

For Appellant : Mr.A.Jeyaram

For Respondents : Mr.A.Mu.Sharavanan
for Caveator

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COMMON JUDGMENT

[Judgment of the Court was made by M.M.SUNDRESH, J.]

These writ appeals are directed against the order of the learned Single Judge, who, by a speaking order, confirmed the order of the Inspector of Labour in regularizing the service of the second respondents in both cases, after giving the factual findings that they were working 480 days within 24 consecutive calendar months.

2. The learned counsel for the appellant would submit that the private respondents were only working as Reserve Drivers and therefore they are not entitled for the benefit provided under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.

3. We are not convinced by the above said submission. Admittedly, the private respondents worked for 480 days. A factual finding was also given by the first respondent in this regard. Law does not differentiate temporary employees based upon the nature of work they done. What is required is that the services should be rendered by the employees for 480 days within two consecutive years. Since the same has been found to be complied with, the first respondent rightly passed the order.

4. In such view of the matter, we do not find any error in the order passed by the learned Single Judge. Accordingly, these writ appeals are dismissed. No Costs. Consequently, connected miscellaneous petitions are dismissed. However, this order will not stand in the way of taking proceedings in the departmental enquiry for the alleged misconduct if any.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

+2CC to Mr.A.Mu.Sharavanan, Advocate, SR.No.91602

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