



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) Nos. 3493 & 3557 of 2016
and
W.M.P. (MD). Nos. 3153 & 3186 of 2016

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited, Madurai Division,
Bye Pass Road, Madurai.
Rep. by its Managing Director

.. Petitioner in
both Writ Petitions

Vs.

1.The Inspector of Labour,
Ellis Nagar, Madurai 625 016.

.. Respondents in
both Writ Petitions

2.S.Senthil

.. 2nd Respondent in
W.P. (MD) No. 3493 of 2016

3.S.Selvaganapathy

.. 2nd Respondent in
W.P. (MD) No. 3557 of 2016

PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records of the first respondent in his Proceedings in Na.Ka.No.Aa/5620/2014 and Na.Ka.No.Aa/5621/2014, respectively dated 19.08.2015, quash the same.

For Petitioner
in both writ petitions

: Mr. A.Jeyaram

For Respondent No.1
in both writ petitions

: Mrs.S.Srimathy,
Special Government Pleader

For Respondent No.2
in both writ petitions

: Mr.G.M.Xavier



ORDER

Tamil Nadu State Transport Corporation (Madurai) Limited, Madurai is the petitioner in both writ petitions. One S.Senthil, the second respondent in W.P.(MD).No.3493 of 2016 and one S.Selvaganapathy, the second respondent in W.P.(MD).No.3557 of 2016 were working as Reserve Drivers, engaged on casual basis by the petitioner. Since they worked duty for 480 working days within 24 consecutive calendar months, they claimed permanency. The Management was not willing to accord the said status to the second respondents in both writ petitions. Therefore, they filed petition before the authority constituted under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The first respondent by orders dated 19.08.2015 noted that the second respondents in both writ petitions have made out a case for conferment of permanency. The first respondent had gone through the relevant documentary evidence adduced on either side in this regard. Only after the proper consideration of the evidentiary material, the first respondent passed the impugned order conferring the status of permanency on the second respondents in both writ petitions. The same is assailed in these writ petitions.

2. Heard the learned counsel on either side.

3. The learned Counsel for the management is not in a position to dislodge the finding rendered by the authority. Instead he produced a copy of the office order dated 06.07.2017, whereby the second respondent along with others have been engaged as a drivers on daily wages basis. The said proceeding is no answer to the grievance expressed by the second respondents in both writ petitions. When they have fulfilled the conditions it would entitle them to claim the status of permanent employee. It is not open to the Management to thereafter engage the second respondents in both writ petitions on daily wages basis.

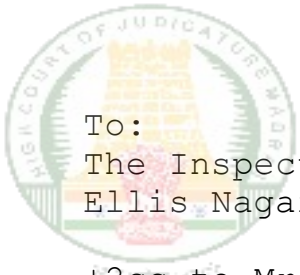
4. The orders impugned in these writ petitions cannot be faulted on any ground. There is no merit in these writ petitions. Therefore, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar



To:
The Inspector of Labour,
Ellis Nagar, Madurai 625 016.

+2cc to Mr.G.M.XAVIER, Advocate, SR.No.50076,50077

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KK/SB/SAR-2/11.07.2018/3P-4C/