

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.28687 of 2019

N.Sathish Kumar

..Petitioner

vs

1.The Assistant Commissioner of Labour
Labour Department
Deepan Nagar 1st Street,
Chemmandalam
Cuddalore - 606 001

2.The Managing Director,
Tamil Nadu Transport Corporation,
Villupuram - 605 602
Villupuram District.

3.The General Manager,
Tamil Nadu Transport Corporation
Cuddalore Region,
Cuddalore - 606 001

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order (failure report) of the 1st respondent dated 22.08.2019 in Na.Ka.No.47/2019 and quash the same and consequently direct the 1st respondent to pass order on the application of the petitioner dated 14.2.2019 under Section 3 of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 within the time frame fixed by the Hon'ble Court and thus render justice.

WEB COPY

For Petitioner : Mr.A.V.Arun

For Respondents : R1 - Mr.D.Suriyanarayanan
Additional Government Pleader

R2&R3 - Mr.S.Sai Raman

O R D E R

The writ on hand is filed for a direction to quash the failure report passed by the 1st respondent in proceeding dated 22.08.2019 and to direct the 1st respondent to pass orders on the applications submitted by the writ petitioner dated 14.02.2019 under Section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981.

2. The learned counsel for the writ petitioner states that the 1st respondent had not conducted any enquiry and submitted the failure report, which is inconsistent with the provisions of the Act itself.

3. However, the learned counsel appearing on behalf of the respondents 2 and 3, opposed the contention by stating that the 1st respondent is not the competent authority to entertain the application under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. As per the said Act, the Inspector of Labour is the competent authority. Thus, the writ petition is liable to be rejected.

4. Under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, the Government issued a Notification in G.O.Ms.No.118, Labour and Employment dated 12.04.1991. As per the said Notification, the Inspector of Labour is the competent authority. Accordingly, the petitioner has to approach the jurisdictional Inspector of Labour for the purpose of redressing his grievances by filing an appropriate application under the Act.

5.

5. In view of the fact that the writ petitioner himself approached the wrong authority namely the 1st respondent, the writ petition deserves no merit consideration. Accordingly, the writ petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 for the purpose of redressing his grievances and in the event of submitting any such application, the competent authority shall adjudicate the matter on merits by affording an opportunity to all the parties concerned and decide the same.

6. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kak

To

1.The Assistant Commissioner of Labour
Labour Department
Deepan Nagar 1st Street,
Chemmandalam, Cuddalore - 606 001

2.The Managing Director,
Tamil Nadu Transport Corporation,
Villupuram - 605 602
Villupuram District.

3.The General Manager,
Tamil Nadu Transport Corporation
Cuddalore Region, Cuddalore - 606 001

+1cc to Mr.A.V.Arun , Advocate SR.No. 86004

+1cc to Mr.s.Sai Raman , Advocate SR.No. 85376

W.P.No.28687 of 2019

A.SK(12/11/2019)

WEB COPY