



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.A(MD)NOs.352 to 354 OF 2019
and
C.M.P(MD)Nos.2961 to 2963 of 2019**

W.A(MD)No.352 of 2019

1.The Executive Engineer,
TWAD Board,
Maintenance Division,
Tirunelveli.

2.The Assistant Executive Engineer,
TWAD Board,
Maintenance Division,
Alangulam,
Tirunelveli District.

3.The Assistant Engineer,
TWAD Board,
Maintenance Division,
Alangulam,
Tirunelveli District.

:Appellants/Petitioners

.vs.

1.The Inspector of Labour,
Tirunelveli.

2.V.K.Mariyappan

3.R.Manimaran

4.R.Sundar

5.P.Mariyappan

6.J.Mariyappan

7.K.Muppidathi



8.M.Balasubramanian

9.S.Jabherali

10.S.Ramar

11.M.Ramayya Pandian

12.S.Mani

13.R.Ramayya

14.R.Regupathi

15.R.Kartheesan

16.P.Subramanian

17.A.Sakthivel

18.K.Mathiyalagan

19.S.Murugan

20.M.Karuppasamy

21.M.Muthukumar

22.R.Murugaiah

23.M.Kasipandi

24.C.Panneerselvam

25.V.Anburaj

26.K.Samydurai

27.A.K.Mariyappan

28.K.Balamurugan

29.R.Velmurugan

30.M.Madhavan

31.S.Durairaj

32.R.Thirumoorthy



33.K.Ganeshan

34.P.Manikkam

35.S.Madasamy

36.R.Ponnaiah

37.S.Murugan

38.S.Ayyadurai

39.V.Madajevan

40.S.Ganapathi

41.S.Muthukutti

42.S.Harikrishnan

43.P.Thangadurai

44.R.Ramar

45.K.Maduraiveeran

46.V.Krishnan

: Respondents/Respondents

W.A(MD)No.353 of 2019

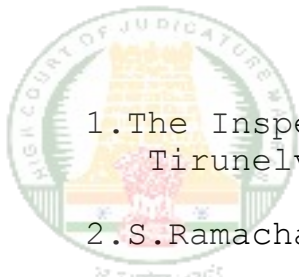
1.The Executive Engineer,
TWAD Board,
Maintenance Division,
Tirunelveli.

2.The Assistant Executive Engineer,
TWAD Board,
Maintenance Division,
Valliyur,
Tirunelveli District.

3.The Assistant Engineer,
TWAD Board,
Maintenance Division,
Alangulam,
Tirunelveli District.

....Appellants/Petitioners

.vs.



1.The Inspector of Labour
Tirunelveli.

2.S.Ramachandran

3.Varadharaj

4.S.Essakimuthu

5.P.Anandaraj

6.R.Rengakrishnan

7.R.Ravikumar

8.J.Rajagopal

9.C.Nagarajan

10.C.Dhanapal

11.E.Muthaiyya

12.D.Easudhas

13.S.Balasubramanian

14.V.Subramanian

15.M.Premkumar

16.V.Iyyamperummal

17.M.Muthaiyya

18.A.Nambirajan

19.D.Saminathan

20.S.Alagusundharam

21.S.Vijayakumar

22.L.Madhu

23.M.Manikkam

24.C.Arumugam

25.G.Rayappan

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



26.A.Uikkattan

27.P.Paldurai

28.S.Subashkanna

29.P.Gopalakrishnan

30.M.Jenashteen Samuvelraj

31.S.Jeyapal

32.V.Ganeshan

33.P.Murugan

34.E.Balasubramanian

35.A.Daniyal Abraham

36.P.Balasubramanian

37.S.Lakshmanaperummal

38.Sudalaimani

: Respondents/ Respondents

W.A(MD)No.354 of 2019

1.The Executive Engineer,
TWAD Board,
Maintenance Division,
Tirunelveli.

2.The Assistant Executive Engineer,
TWAD Board,
Maintenance Division,
Sankarankoil,
Tirunelveli District.

3.The Assistant Engineer,
TWAD Board,
Maintenance Division,
Sankarankoil,
Tirunelveli District.

....Appellants/Petitioners

.vs.

1.The Inspector of Labour,
Tirunelveli.



2.S.Selvendurai

3.Maruthapandian

4.M.Karthik Pandian

5.Joshap

6.K.Ponraj

7.P.Mariappan

8.A.Ramaraj

9.K.Paalraj

10.K.Sithar

11.S.Maharajan

12.K.S.Mariappan

13.M.Kaleelraj

14.P.Vellapandi

15.K.Murugan

16.K.Nehru

17.M.Chandrasekar

18.C.Muthusamy

19.M.Maadasamy

20.R.Udaiyar

21.K.Mahendran

22.G.Maniraj

23.L.Solarajan

24.E.Pillaiyar

25.P.Kariyamal

26.P.Alagirisamy



27.N.Ganeshan

28.R.Kaleechamy

29.S.Gandhi

30.P.Kanipandian

31.A.Wilson

32.V.Murugan

33.M.Sundharraj

34.M.Mariappan

35.S.Chokalingam

36.A.Mohamad Ekpai

37.V.Murugan

38.M.Balakrishnan

39.P.Muthupandi

40.M.Alageshan

41.L.Suresh

42.A.Chellapandian

43.P.Sendhurpandian

44.C.Muthupandian

45.K.Arumugakrishnan

46.R.Murugan

47.M.Raja

48.S.Palkarthik

49.K.Murugan

50.R.Pechikutti

51.A.Raju



52.E.Uchimakale

53.K.Santhanamari

54.Kompaiya

55.K.Ayyadurai

56.S.Muthukumar

57.A.Poolpandian

58.S.Esurajan

59.C.R.Kumar

60.I.Arasakani

61.S.Kottaisamy

62.M.Sunilkumar

:Respondents/Respondents

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)Nos.17082,17083 and 17084 of 2015, dated 29.11.2018.

Prayer in WP(MD) . 17082/ 2015 :

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 pertaining to the impugned order passed by the 1st respondent in C.P.S.No. 3581/2010 to 3644 /2010 dated 23.04.2015 only with respect to the list I of the order and the Labours who had been made as Respondents 2 to 46 herein and quash the same.

Prayer in WP(MD) . 17083/ 2015 :

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 pertaining to the impugned order passed by the 1st respondent in C.P.S. No.11352/2010 to 11356/2010 an 13298/2010 to 13304/2010 and 13306/2010 to 13310/2010 and 13608/2010, 3728/2010 to 3736/2010 and 3758/2010 to 3784/2010 and 11350/2010, 11351/2010 dated 23.04.2015 only with respect to the List I of the order and the Labours who had been made as Respondents 2 to 38 herein and quash the same.

Prayer in WP(MD) . 17084/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to pass a WRIT OF CERTIORARI calling for the records pertaining to the impugned order



passed by the 1st Respondent in C.P.S.No.3645/2010 to 3723/2010 and 13296/10, 13305/10, 3778/12 to 3780/12 dated 23.04.2015 only with respect to the List I of the order and the Labours who had been made as Respondents 2 to 62 herein and quash the same.

For Appellants
in all W.As'

:Ms.Porkodi Karnan

For Respondent-1
in all W.As'

:No appearance

For other Private
respondents in all
Writ Appeals

:Mr.Veerakathiravan
Senior Counsel
for Mr.B.Karuppasamy

COMMON JUDGMENT

[Judgment of the Court was made by **SENTHILKUMAR RAMAMOORTHY, J.**]

All these Writ Appeals are directed against the common order, dated 29.11.2018 in W.P(MD)No.17082,17083 and 17084 of 2015. By the said order, the Writ Court affirmed the order of the Inspector of Labour, Tirunelveli with regard to the conferment of permanent status on the private respondents in the Writ Petitions, but modified the order to the extent that the consequential and monetary benefits would be operational only from the date of the impugned order namely, from 23.04.2015.

2.Heard the learned counsel appearing for the appellants and the learned Senior Counsel appearing for the private respondents.

3.The learned counsel for the appellants/TWAD Board submitted that the order of the Writ Court is liable to be interfered with because the findings of the Inspector of Labour, Tirunelveli were only based on the Log Book with regard to the fact that the claimants had worked for 480 days in 24 consecutive calendar months. According to the learned counsel for the appellants, the log Book should have been corroborated with other evidence, whereas, the order was passed only based on the Log Book.

4.In reply, the learned Senior Counsel appearing for the private respondents submitted that the factual aspects with regard to the fact that the claimants had worked for 480 days in 24 consecutive calendar months, were considered in detail by the Inspector of Labour, Tirunelveli before passing the order and the same was also considered by the Writ Court while affirming the said order.



5.We perused the relevant materials and heard the oral submissions of both sides.

6.On examining the order of the Writ Court, we find that the Writ Court has followed the earlier orders of this Court to conclude that the Conferment of Permanent Status on Workmen Act applies to the TWAD Board. Moreover, the factual issue as to whether the workmen had put in 480 days of service in 24 consecutive calendar months was also considered by the Writ Court by holding that the statutory authority had perused the Log Books and the said Log Books had been counter-signed by the Engineers of the TWAD Board. On that basis, the Writ Court held that the said factual findings are not liable to be interfered with by the Writ Court in the exercise of discretionary jurisdiction. We also find that the Writ Court has granted the consequential and monetary benefits from the date of the impugned order namely, 23.4.2015 and there is no Cross-Appeal in this regard.

7.Considering the facts and circumstances, we are of the view that there is no reason to interfere with the order of the Writ Court inasmuch as the said order does not contain any infirmity.

8.Accordingly, these Writ Appeals are dismissed. Consequently, the order of the Writ Court shall be complied with within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

The Inspector of Labour, Tirunelveli.

+1 CC to M/s.PORKODI KARNAN, Advocate SR-80271.

+5 CC to Mr.B.KARUPPASAMY, Advocate SR-80558.

**COMMON JUDGMENT MADE IN
W.A(MD)NOs.352 to 354 OF 2019**

**and
C.M.P(MD)Nos.2961 to 2963 of 2019
07.08.2019**

CS(05.09.2019) 10P 8C