



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.17049 of 2018

and

WMP (MD) No.15026 of 2018

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Arasu Pokkuvarathu Madurai Thozhilalargal Sangam
V.P.Chinthan Memorial Hall,
Represented by its
General Secretary A.Kanagasundar ... Petitioners

Vs

1. The Inspector of Labour,
Labour Department,
Housing Board Colony Shopping Complex,
Ellis Nagar,
Madurai - 625 016.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Bye Pass Road,
Madurai -16.
3. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Madurai Region,
Bye Pass Road,
Madurai - 16. ... Respondents

(This writ petition has been withdrawn in respect of the first petitioner by order dated 04.02.2020)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pass orders on the application filed by the second petitioner trade union dated 11.04.2018 for conferment of permanent status to the eligible workers whose names have been attached along with the application by exercising the statutory powers conferred under Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 within a time frame that may be fixed by this court and consequently forbear the second respondent corporation from in any



manner taking persons from other transport corporations owned by the Government of Tamil Nadu on the basis of permanent transfers and from filling up vacancies in the post of Drivers, Conductors and Technical Staffs in the second respondent corporation till the first respondent passes the final orders on the application filed by the second petitioner trade union dated 11.04.2018.

For petitioner : Mr.A.Rahul

For 1st respondent : Mr.R.Rajarajan
Government Advocate

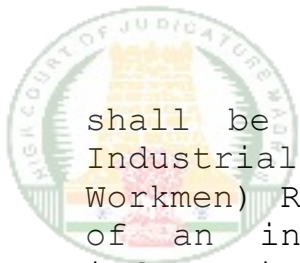
For respondents 2 & 3 : Mr.J.Senthilkumaraiah
Standing Counsel for TNSTC

O R D E R

This Writ Petition has been filed to direct the first respondent to pass orders on the application filed by the petitioner / Trade union dated 11.04.2018 for conferment of permanent status to the eligible workers under Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and to forbear the second respondent / Corporation from taking persons from other Transport Corporations owned by the Government of Tamil Nadu, till the first respondent passes the final orders.

2. The learned counsel appearing for the petitioner / Trade Union submitted that the service of an employee by name A.Ramar, who was working under the second respondent / Corporation as Driver on temporary basis from 05.08.2015, has not been regularized even after completion of 480 days of continuous service. As there are about 235 similarly placed persons serving in various branches under the Administrative Control of the third respondent, the said employee by name A.Ramar as first petitioner on behalf of himself and the petitioner/Trade Union as second petitioner on behalf of all other similarly placed persons have filed this Writ Petition. However, subsequently, by filing a letter, this Writ Petition was sought to withdraw in respect of the first petitioner. Recording the same, this Court also dismissed this Writ Petition as withdrawn in respect of the first petitioner by order dated 04.02.2020.

3. The learned counsel for the petitioner further submitted that as per Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, "notwithstanding anything contained in any law for the time being in force every workman, who is in continuous service for a period of four hundred and eighty days in a period of 24 calendar months in an industrial establishment



shall be made permanent". As per Rule 4 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Rules, 1981, it is incumbent on the part of the employer of an industrial establishment to furnish all the required information to the Inspector and as per Rule 6 of the said Rule, every employer of an industrial establishment has to maintain a register of workmen in Form-I and produce the same whenever it is required by the Inspector of Labour having jurisdiction over the said establishment. When that be so, the second and third respondents have been filling up the vacancy on transfer basis from the other State owned Corporations without regularizing the services of 235 persons those who served more than 480 days of service in 24 calendar months. Therefore, on 11.04.2018 the first respondent has filed an application before the first respondent requesting to direct the second respondent to regularize the services of 235 persons whose names mentioned in the list attached to that application, along with all other attendant benefits. As the said application was pending without any progress, the petitioner has come up with this writ petition.

4. The learned counsel for the petitioner further submitted that during the pendency of this Writ Petition, now, permanent status has been given to all the workers, except two workers by name G.Jeyamurugan and S.Sivaraj. The said two workers have already filed two separate applications in C.P.S.Nos.14 of 2018 and 1 of 2019 before the first respondent and the same is pending without any progress and therefore, this Court may direct the first respondent to dispose of the said applications within a stipulated time.

5. The learned standing counsel for the second and third respondents would state that since there are serious issues pending against the said two workers, they are not able to grant permanent status.

6. The learned Government Advocate appearing for the first respondent submitted that the first respondent will dispose of the said applications as early as possible.

7. In view of the above submissions made by the learned counsel for the parties, the first respondent is directed to consider the applications stated to be filed by the workers by name G.Jeyamurugan and S.Sivaraj in C.P.S.Nos.14 of 2018 and 1 of 2019 and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.



8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Deputy Registrar(Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn/gcg

To

1. The Inspector of Labour,
Labour Department,
Housing Board Colony Shopping Complex,
Ellis Nagar,
Madurai - 625 016.

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-9837[F] dated 03/03/2020)

+1 CC to M/s.SPL.GP (SR-9976[F] dated 04/03/2020)

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