



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17393 of 2021

- 1.M.Neethipathy
- 2.M.Samraj
- 3.M.Annamalai
- 4.K.Chinnathampi
- 5.V.Muralivendhan
- 6.R.Murugan
- 7.C.Venkatesan
- 8.P.Gandhi
- 9.S.Samraj
- 10.S.Sakthivel
- 11.S.M.Madhappan
- 12.R.Adhimoolam
- 13.I.Arumugam
- 14.D.Devan
- 15.T.Shankar
- 16.A.Arumugam
- 17.R.Pachiappan
- 18.M.Sivaramakrishnan
- 19.P.Saravanan
- 20.G.Saravanan
- 21.K.Ganeshkumar
- 22.P.Kaliyappan



23.K.Rajasekaran

24.J.Sivakumar

25.B.Gowran

26.B.Balu

27.M.Ravichandran

28.P.M.Maadhu

29.R.Janardhanan

30.N.Anandakumar

...Petitioners

-Vs-

1.The Managing Director,
Tamilnadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road, Salem - 7.

2.The General Manager
Tamilnadu State Transport Corporation,
Dharmapuri Region, Bharathipuram,
Dharmapuri.

3.The Inspector of Labour,
The Competent Authority under the
Tamilnadu Industrial Establishments
(Conferment of Permanent Status to
Workmen) Act, 1981/
Assistant Commissioner of Labour
(Enforcement),
Krishnagiri, Krishnagiri District.

...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 pertaining to the order dated 04.11.2020 in Athi.Mu.A/808/2020 from the file of the 3rd respondent, Krishnagiri, quash the same and consequently direct the 3rd respondent to accept and take up the petitioner's application on file and record and to adjudicate the petitioners applications in accordance with law and on merits within a specified time as may be fixed by this Hon'ble Court without reference to any delay or latches.

For Petitioners : Mr.V.Ajoy Khose
For Respondents : Mr.D.Raghu

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.



2. Pursuant to the petitioners' application filed under Section 3(1) of the Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as 'the Act'), the third respondent-authority had returned the said application filed in the month of August, 2020, by observing that the application has been filed belatedly after 15 years, after having accepted their confirmation issued by the authority.

3. The observation made while returning the application seems to touch upon the merits of the petition filed under Section 3(1) of the Act, which requires to be made only after due adjudication. As such, returning the application on this ground, without hearing the parties and without proper adjudication, is impermissible.

4. In this background, the endorsement made in the impugned order dated 04.11.2020 is quashed. Consequently, the third respondent-authority is called upon to take on file the petitioners' application filed in the month of August, 2020 under Section 3(1) of the Act, if it is otherwise in order, and adjudicate the same in accordance with the provisions of the Act.

5. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

1.The Managing Director,
Tamilnadu State Transport Corporation,
(Salem) Ltd.,12, Ramakrishna Road, Salem - 7.

2.The General Manager
Tamilnadu State Transport Corporation,
Dharmapuri Region, Bharathipuram,Dharmapuri.

3.The Inspector of Labour,
The Competent Authority under the
Tamilnadu Industrial Establishments
(Conferment of Permanent Status to
Workmen) Act, 1981/Assistant Commissioner of Labour
(Enforcement),Krishnagiri, Krishnagiri District.

+1 cc to Mr.D.Raghu, Advocate Sr.NO.49112

+1 cc to Mr.V.Ajay khose, Advocate Sr.NO. 4938

W.P.No.17393 of 2021

PCH(CO)

A.SK(13.10.2021)