



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.190 of 2022

and C.M.P.No.1336 of 2022

1.The Director of Public Libraries
737/1, Anna Salai LLA Building
Chennai 600 002.

2.The Librarian (i/c)
Connemara Public Library
Museum Compound
Pantheon Road, Egmore
Chennai 600 008.

..Appellants/Respondents

Vs

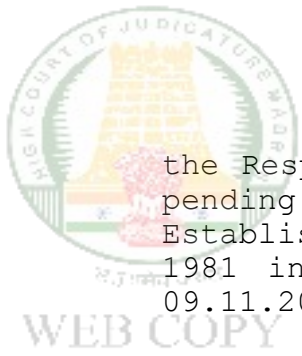
1.E.Srinivasan
2.Mariyappan D
3.Rajesh Narayanan
4.Vatchala Devi R
5.Kalaiarasi G
6.Uthiramary A
7.Mohanraj K
8.Assistant Commissioner of Labour
Enforcement (Chennai)
No.33, Venkatanarayana Salai
Nandanam, Chennai 600 035.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 06.09.2021 WMP No.19852 of 2021 in W.P.No.18618 of 2021.

Petition WMP No.19852 of 2021 praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of Interim Injunction restraining the Respondents from altering the service conditions of the petitioners, pending disposal of the writ petition.

This Wwir Petition No.18618 of 2021 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing



the Respondents from altering the petitioners service conditions pending disposal of proceedings under the Industrial Establishment (Conferment of permanent status to workmen) Act 1981 in petition Nos. 930, 931 and 933 to 937 of 2020 dated 09.11.2020 on the file of the 3rd Respondent.

For the Appellant : Mr.S.Silambannan
Additional Advocate General
Assisted by Mr.M.Babu Barveez
Government Advocate

For the Respondents : Mrs.D.Geetha
for R1, R2 and R4 to R7

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

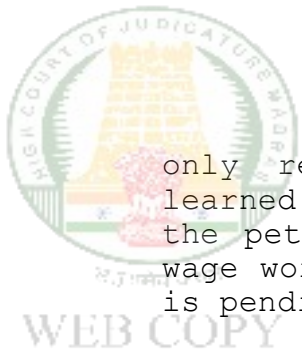
The writ appeal has been filed to challenge the order dated 06.09.2021.

2. The learned counsel for the appellants submits that the order under challenge has been passed to continue the working of the petitioners / non-appellants though they were not in service at the time of passing of the order. It is alleged that by the said interim order the learned Single Judge had granted final relief to the petitioners/non-appellants.

3. However, learned counsel appearing for the petitioners / non-appellants submits that they were employed on daily basis and accordingly the petitioners were reporting every day to the respondents/appellants. Learned counsel also submits that the petitioners/non-appellants were pressing for permanent status under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and therefore, the learned Judge has rightly passed the interim order and it is not final relief to the petitioners. The learned counsel for the petitioners/non-appellants further submits that merely due to pendency of the permanency application if the respondents are allowed to take action of termination of service it will frustrate the claim itself.

4. We have considered the rival submissions made by the learned counsel for the parties and have perused the records.

5. The facts on record show that the writ petition was filed to seek a restraint on the respondents from altering the service conditions of the petitioners pending disposal of the proceedings under the Act of 1981 for permanent status. There was no challenge to the termination or proposed termination, but



only regarding the alteration of service conditions. The learned Single Judge, while considering the issue, found that the petitioners were in service since 2007 and they were daily wage workers and has also recorded that the matter of permanency is pending before the separate authority.

6. The prayer in the writ petition pertains to the action to be taken and thereby protection was sought for. However, the learned Single Judge has granted the relief beyond the scope of the writ petition and the impugned order is nothing but granting final relief at the initial stage itself. Thus, the interim order granted is not permissible.

7. In the light of the aforesaid and the facts narrated herein by us, and the order of the learned Single Judge is set aside. The Writ Appeal is allowed and the petitioners / non-appellants would be at liberty to take up the issue in the pending writ petition or a separate writ petition if their services are terminated in violation of the principles of law.

There shall be no order as to costs. Consequently, connected C.M.P.No.1336 of 2022 is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Assistant Commissioner of Labour
Enforcement (Chennai),
No.33, Venkatanarayana Salai,
Nandanam, Chennai 600 035.
- 2.The Director of Public Libraries,
737/1, Anna Salai LLA Building,
Chennai 600 002.
- 3.The Librarian (i/c),
Connemara Public Library,
Museum Compound,
Pantheon Road, Egmore,
Chennai 600 008.



Copy to:

The Section Officer,
Writ Section,
High Court, Madras.

WEB COPY

W.A.No.190 of 2022

RSI (CO)
PR (18/04/2022)