



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HON'BLE MR.JUSTICE P.D. AUDIKESAVALU

W.P.NO.34179 OF 2018

- 1.R.Palanisamy
- 2.G.Chelladurai
- 3.N.Ananthan
- 4.D.Ponnusamy
- 5.S.Senthilkumar
- 6.S.Anbazhagan
- 7.V.Prabhu
- 8.S.Vetrivel
- 9.P.Shanmuga Sundharam
- 10.M.Prabhu
- 11.A.Palanisamy
- 12.P.Mohan
- 13.C.Gnanasekar
- 14.E.Sathiyamoorthy
- 15.R.Rajavel

...Petitioners

Vs

- 1.The Competent Authority/Labour Inspector,
Tamilnadu Industrial Establishments
(Conferment of Permanent Status to Workmen)Act, 1981,
Erode District.
- 2.The Chief Engineer (Personnel),
Tamil Nadu power Generation and
Distribution Corporation (TANGEDCO),
E.R.K. Complex 8th floor,
144, Anna Salai, Chennai-600 002.
- 3.The Superintendent Engineer,
Tamil Nadu power Generation and
Distribution Corporation (TANGEDCO),
Erode power distribution circle,
E.V.N. Road, Erode-638 002.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of



Certiorarified Mandamus, calling for the records of First Respondent's order in Claim petition Nos. Na. Ka. 4186/2014, Na. Ka. 5013/2014, Na. Ka. 5014/2014, Na. Ka. 5016/2014, Na. Ka. 5019/2014, Na. Ka. 5023/2014, Na. Ka. 5027/2014, Na. Ka. 5029/2014, Na. Ka. 5030/2014, Na. Ka. 5213/2014, Na. Ka. 5216/2014, Na. Ka. 653/2015, Na. Ka. 2402/2015, Na. Ka. 2456/2015, Na. Ka. 2207/2017 dated 05.02.2018, quash the same, consequently direct the Second Respondent, to provide permanent status to the Petitioner's service on completion of 480 days from the date of appointment.

For Petitioners : Mr.P.Saravanan

For Respondents : Mrs.C.Sangamithirai
Special Government Pleader (for R1)

Mr.Anand Gopalan
for M/s. T.S.Gopalan and Co.
(for R2 & R3)

O R D E R

Heard Mr. P.Saravanan, Learned Counsel for the Petitioners, Mrs.C.Sangamithirai, Learned Special Government Pleader appearing for the First Respondent and Mr. Anand Gopalan, Learned Counsel for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners claim to have worked through contractors in the establishment of the Second and Third Respondents and they had made individual applications before the First Respondent for conferment of permanent status under the Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as 'the Act' for short), but the same had been rejected by orders dated 05.02.2018, which are challenged in this Writ Petition.

3. The First Respondent while declining the relief to the Petitioners in these cases has held that the materials that had been produced are not sufficient to arrive at any conclusion that each of the Petitioners have completed the continuous service of 480 days within a period of 24 calendar months for extending that benefit to them. As the Petitioner have not been able to controvert the said conclusion arrived, it is not possible to interfere with the impugned orders. However, inasmuch as the Division Bench of this Court in R.Lakshmi -vs- Chief Engineer (Personnel), Tamil Nadu Electricity Board [(2012) 6 MLJ 480] has pointed out the legal position that a workman, who has completed 480 days of continuous service in a period of



24 calender months, would become automatically a permanent employee under the employer, even if the employer had not conferred him with the permanent status, or even if no direction was issued by the competent authority in that regard under the Act or the Rules framed thereunder, the concerned employees in this case, on their acquiring the prescribed qualification, are not precluded from working out their rights for the benefits under the Act in fresh legal proceedings in the manner recognized by law.

In fine, the Writ Petition is dismissed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

gd

To

- 1.The Competent Authority/Labour Inspector,
Tamilnadu Industrial Establishments
(Conferment of permanent Status to workmen) Act, 1981,
Erode District.
- 2.The Chief Engineer (Personnel),
Tamil Nadu power Generation
and Distribution Corporation (TANGEDCO),
E.R.K. Complex 8th floor,
144, Anna Salai, Chennai-600 002.
- 3.The Superintendent Engineer,
Tamil Nadu power Generation
and Distribution Corporation (TANGEDCO),
Erode power distribution circle,
E.V.N. Road, Erode-638 002.

+1cc to Mr.P.Saravanan, Advocate Sr.No.21842

+1cc to M/s.T.S.Gopalan & Co., Advocate Sr.No.21601

+1cc to the Government Pleader Sr.No.21796

W.P.No.34179 of 2018

PA(CO)
RVM(15/06/2022)