



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) Nos. 6178 of 2022

Muthaiah

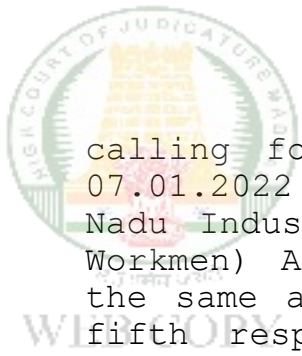
... Petitioner

Vs.

1. The Officer-cum-Assistant Labour Commissioner,
(Enforcement),
Virudhunagar,
Virudhunagar District.
2. The Assistant Director,
(Village Panchayats),
Virudhunagar,
Virudhunagar District.
3. The Block Development Officer,
Village Panchayats,
Srivilliputhur Panchayat Union,
Srivilliputhur,
Virudhunagar District.
4. Mr. Ramani,
Special Officer,
Block Development Officer,
(Village Panchayats),
Srivilliputhur Panchayat Union,
Srivilliputhur,
Virudhunagar District.
5. The Panchayat Secretary,
Inam Nachiyarkovil Panchayat,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus



calling for the records pertaining to the impugned order dated 07.01.2022 passed by the first respondent Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, in petition in Na.Ka.No.A/2634/2019 and quash the same as illegal and consequently direct the second, third and fifth respondents to reinstate and regularize the petitioner's service in time scale of pay with effect from the date of completion of 480 days of service in 24 calendar month and to grant backwages from 2017 to 2019 as well as the attendant benefits.

For Petitioner : Mr.T.Indrachithu

For Respondent : Mr.N.Satheeshkumar
Addl. Govt. Pleader for R1 to R3
Mr.P.Subburaj
Special Government Pleader for R4

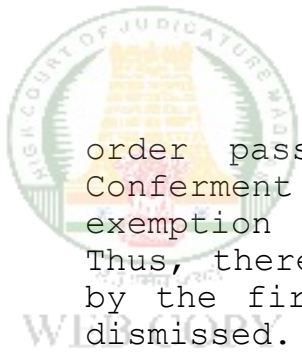
O R D E R

The order passed by the Competent Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 is under challenge in the present Writ Petition.

2. The petitioner states that he was temporarily appointed as Overhead Water Tank Operator in Panchayat. He served more than 480 days of service and accordingly, filed a petition under the Conferment of Permanent Status Act seeking permanent status.

3. The first respondent / Competent Authority considered the issue and rejected the application on the ground that the Panchayat Establishments being controlled by the Government is not a establishment within the meaning of Conferment of Permanent Status Act. In other words, the Government establishments are exempted from the provisions of the Act and in this regard, a notification was issued. Therefore, in respect of the Government Establishments and Government Departments, the employees are not entitled to get relief before the Labour Officials under the provisions of the Conferment and Permanent Status Act.

4. This being the legal position, the petitioner is at liberty to approach the Competent Higher Authority and the Government for the purpose of redressing his grievances in the manner known to law. If the grievances are not redressed by the Competent Authority and the Government, thereafter the petitioner may approach the High Court for remedy. This being the procedures to be followed, the



order passed by the first respondent under the provisions of Conferment of Permanent Status Act is in consonance with an exemption granted to the Government Establishments under the Act. Thus, there is no infirmity in respect of the impugned order passed by the first respondent and accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Officer-cum-Assistant Labour Commissioner,
(Enforcement),
Virudhunagar, Virudhunagar District.
2. The Assistant Director,
(Village Panchayats),
Virudhunagar, Virudhunagar District.
3. The Block Development Officer,
Village Panchayats,
Srivilliputhur Panchayat Union,
Srivilliputhur, Virudhunagar District.
4. The Special Officer,
Block Development Officer,
(Village Panchayats),
Srivilliputhur Panchayat Union,
Srivilliputhur, Virudhunagar District.
5. The Panchayat Secretary,
Inam Nachiyarkovil Panchayat,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.T. INDRACHITHU, Advocate(SR-17289[F] dated 07/04/2022)

+1 CC to M/s.SPL.GP (SR-17006[F] dated 06/04/2022)

W.P. (MD) No. 6178 of 2022

05.04.2022

MGJ(26.04.2022) 3P 8C