



W.P.No.33528 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2023

CORAM:

THE HONOURABLE JUSTICE Mr.V.LAKSHMINARAYANAN

W.P.No.33528 of 2014

and

M.P.No.1 of 2014

The General Manager,
Tamil Nadu Transport Corporation (Villupuram) Division -II Ltd.,
Regional Head Office,
Rangapuram Post,
Vellore District

...Petitioner.
Vs.

1.District Collector,
Kancheepuram District.

2.Revenue Divisional Officer,
Thirukalukundram Taluk,
Kancheepuram District.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorari to call for the records of the order passed by the 2nd respondent in C.P.No.289/2013 dated 06.08.2014.

For Petitioner : M/s.S.Pavithra

For Respondents :
For R1 :Mr.S.Apunu



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For R2 : Court
For R3 & R4 : No Appearance

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ORDER

The petitioner challenges the order in C.P.No.289/2013 dated 06.08.2014. The private respondent filed an application for regularization of service before the appropriate authority under The Tamil Nadu Industrial Establishments (Conferment Of Permanent Status To Workmen) Act, 1981.

2. The said application was taken on file and by an order dated 16.05.2005. By that order, the corporation was directed to make the petitioner's services permanent from 30.01.1996. Challenging the said order, W.P.No.12702 of 2006 was filed before this Court. This Court was pleased to dismiss the writ petition on 27.02.2013. As the benefits of the order passed by the authority were not given, an application was filed in C.P.No.289/2013.

3. It is argued by Mr.Aswin, the learned counsel for the writ petitioner that an appeal has been preferred with condonation of delay and the same is pending and therefore, the computation petition is not maintainable.

4. *Per-contra*, Mr.S.Apunu, learned counsel for R1 states that there is no stay and the appeal is still in the stage of condonation of delay & therefore, the respondent is entitled to.



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5. I have carefully considered the arguments of either side. It is pertinent to point out that the order in W.P.No.12702 of 2006, which had confirmed the order of the competent authority that the petitioner is entitled to the benefits of The Tamil Nadu Industrial Establishments (Conferment Of Permanent Status To Workmen) Act, 1981 has become final. Pendency of condonation of delay application does not put the judgment in *jeopardy*.

5. Consequently, the workman is entitled to all the benefits pursuant to the order in Na.Ka.No.E 6919/04 dated 16.05.2005. The Labour Court at Vellore has correctly appreciated the position of Law and has come to the conclusion. There is no illegality or irregularity in the order. Hence, the same is confirmed.

6. This writ petition stands dismissed. No costs. Connected Miscellaneous Petition is closed.

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Index : Yes/No
Neutral Citation Case : Yes/No



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V.LAKSHMINARAYANAN,J
nst

To:

- 1.District Collector,
Kancheepuram District.
- 2.Revenue Divisional Officer,
Thirukalukundram Taluk,
Kancheepuram District.

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