



WEB COPY



W.P.No.16787 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06..06..2023

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.16787 of 2014

and

M.P.No.1 of 2014

The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Vengikal, SIPCOT Complex,
Tiruvannamalai.

..... Petitioner

-Versus-

1.C.Chandrasekaran

2.The Inspector of Labour,
Tiruvannamalai.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order made in ந.க.எண்.இ./2390/2012 dated 05.02.2014 on the file of the 2nd respondent/Inspector of Labour, Tiruvannamalai, and to quash the same.

For Petitioner : Mr.C.Selvaraj

For Respondents : Mr.S.N.Ravichandran for R1

ORDER

The Regional Manager, Tamil Nadu Civil Supplies Corporation Limited, Vengikal, Tiruvannamalai, has filed this writ petition challenging the order of the Inspector of Labour, Tiruvannamalai, dated 05.02.2014.



W.P.No.16787 of 2014

2. The Inspector of Labour, Tiruvannamalai, by impugned order has granted the status of permanency to the 1st respondent invoking the power vested in him under the provisions of The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.

3. The petitioner was appointed as a Cylinder Delivery Boy on the rolls of the writ petitioner. The test under Section 3(1) of the said Act is that a person should have worked continuously for 480 days in a period of twenty-four calendar months in an industrial establishment. The Inspector of Labour has come to a conclusion that from 30.06.1997 till 30.06.1999, the 1st respondent had continuously worked for a period of 600 days and therefore, he is entitled to permanency.

4. The learned counsel for the petitioner would submit that such a finding is erroneous and there is no such post available in the office of the petitioner.

5. It is not open to the petitioner to urge this plea because under similar circumstances, a Division Bench of this court in **Regional Manager, Tiruvannamalai v. S.Ramesh and others [W.A.No.1002 of 2018 dated 26.02.2019]** had held that a person, who has worked continuously for a period of 480 days in twenty four calendar months, is entitled to be given the benefit of the provisions of The Tamil Nadu Industrial Establishments (Conferment of



W.P.No.16787 of 2014

Permanent Status to Workmen) Act, 1981. The above said order had become

final. Apart from that, this view taken in the above said judgement, finds reflection in a subsequent judgement of another Division Bench of this Court in **Regional Manager, TNCSC, Vellore v. D.Sekar [W.A.No.1233 of 2015 dated 01.09.2015]**. As the Division Benches of this courts have consistently taken the view against the petitioner, especially, when the authority has given a categoric factual finding that the petitioner has worked continuously for more than 600 days in twenty four calendar months in the establishment, I find no reason to interfere with the same. Thus, the writ petition is devoid of merits and the same is liable to be dismissed.

In the result, this writ petition is dismissed. No costs. Consequently, connected MP is closed.

06..06..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

- 1.The Regional Manager, Tamil Nadu Civil Supplies Corporation Ltd., Vengikal, SIPCOT Complex, Tiruvannamalai.
- 2.The Inspector of Labour, Tiruvannamalai.



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W.P.No.16787 of 2014

V.LAKSHMINARAYANAN, J.

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W.P.No.16787 of 2014

06..06..2023