



W.P. No. 27133 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.09.2023

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No.27133 of 2017
and
WMP.Nos.28998 & 28999 of 2017**

1. The Management,
Tamilnadu Civil Supplies Corporation,,
No.12, Thambusamy Salai,
Kilpakkam, Chennai.
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Krishnagiri Region,
Krishnagiri.
3. The Regional Manager,
Tamilnadu Civil Supplies Corporation,
District Collector Office,
Dharmapuri.

... Petitioners

Vs.

1. Kalavathy
2. Vadiammal
3. Vijaya
4. Selvi
5. Ananthi
6. Roku
7. Jaya
8. Anjali
9. Chinnathayi
10. Valli



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11. The Inspector of Labour

Authority Under the Tamilnadu Industrial Establishment
(Conferment of Permanent Status) Act, 1981

Krishnagiri.

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the order passed by the 11th respondent in Na.Ka.No.A/1069/2009 dated 04.03.2016 and to quash the same as illegal.

For Petitioners : Mr.C.Selvaraj

For Respondent
Nos.1 to 8,10 : No appearance

For Respondent
No.9 : Not ready in Notice

For Respondent
No.11 : Mr.M.S.Prem Kumar
Government Advocate

ORDER

This writ petition has been filed seeking to quash the order passed by the 11th respondent in Na.Ka.No.A/1069/2009 dated 04.03.2016

2. Though respondents 1 to 8 and 10 were served and their names printed in the cause list, none appears on behalf of them.



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3. It is the case of the petitioners that the respondents 1 to 10 filed an application before the 11th respondent, viz., The Inspector of Labour, Authority under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (Tamil Nadu Act 46 of 1981) Krishnagiri seeking for grant of permanent status from the date of their completion of 240 days from their date of induction in service, which application was allowed vide proceedings dated 04.03.2016 in Na.Ka.No.A/1069/2009 directing the petitioners' Corporation to regularize the service of the respondents 1 to 10 from the date of their induction. Aggrieved by the order dated 04.03.2016 passed by the 11th respondent, the petitioners have come up with this writ petition.

4. The learned counsel for the petitioners submits that despite the objections raised by the petitioners, the 11th respondent has extended the benefit under the Permanent Status Act to the concerned employees without any evidence in proof of their claim. He further submits that the order passed by the Inspector of Labour is in violation of the judgment of the Constitution Bench of the Hon'ble Supreme Court of India in the case of *Secretary, State of Karnataka and others Vs. Umadevi and others*, reported in (2006) 4 SCC 1 as well as in violation of recruitment rules as applicable to the employees of the Tamil Nadu Civil Supplies Corporation, they have earlier filed writ petition in



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respect of other employees in W.P.(MD).No.983 of 2006 and the writ petition ended in favour of the labourers / employees, against which the Tamil Nadu Civil Supplies Corporation filed Writ Appeal in W.A.(MD).No.1387 of 2014 and the Hon'ble Division Bench of the Madurai Bench of Madras High Court allowed the writ appeal on 20.02.2018. Hence, he prayed to allow this writ petition.

5. On the above contentions heard the learned Counsel appearing on behalf of the 11th respondent and perused the materials available on record.

6. The major contention of the respective workmen is that though the petitioners corporation availed the services of the respective workmen as full time labourers, they were not given permanent status, while so the workmen of the petitioners' Corporation filed an application before the 11th respondent seeking conferment of permanent status on having completed 'continuous service' of 480 days in a period of 24 calendar months in that establishment. The 11th respondent upon perusal of the entire documents and records submitted by the respective workmen and the Corporation by order in Na.Ka.No.A/1069/2009 dated 04.03.2016 granted that benefit sought to the said persons, which is assailed in this writ petition.



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WEB COPY 7. This Court called for entire records from the 11th respondent so as to examine whether the relief granted to the concerned workmen in the impugned order is supported by the evidence led by the parties and this Court perused the letter dated 12.01.2007 sent by one K.Shanmugam, the Chairman and Managing Director of Tamil Nadu Civil Supplies Corporation to the Special Secretary to Government, Corporation, Food & Consumer Protection Department, Chennai recommending the names of the respective workmen for regularization of the casual labourers, who have rendered ten years of service as on 01.01.2006 as per the Statement A and also for regularization of casual labourers who have rendered more than two years of service but less than 10 years of service as on 31.12.2006 as per Statement-B. This Court also perused the certificate issued by the Regional Manager of Tamil Nadu Civil Supplies Corporation, Krishnagiri, stating that the respondents 1 to 5 have completed 480 days as on 20.09.2010, such certificate was also marked before the Labour Court and upon appreciating the oral and documentary evidences, the Labour Court arrived at a conclusion extending the benefit of conferment of permanent status to the respective workmen which cannot be interfered with. It is further seen that the decision relied upon by the learned counsel for the petitioners is not applicable to the present case on hand as the said decision relates to



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backdoor entry services, in which the workmen entered into services of the management without any rule, however, in the present case, the respective workmen entered the services of the petitioner management as Sweepers which is class IV employees and the petitioner management engaged the respective workmen prior to the aforesaid decision rendered by the Hon'ble Apex Court.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

NCC : Yes/No



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M.DHANDAPANI, J.

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