



WEB COPY



W.P.No.1566 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.1566 of 2018
and
W.M.P.No.1968 of 2018

The Management,
Tamil Nadu State Transport Corporation,
(Coimbatore)Limited,
37, Mettupalayam Road,
Coimbatore – 641 143.

... Petitioner

Vs.

1.The Labour Inspector,
Authority under the Tamil Nadu Industrial Establishments
(Conferment of Permanent Status to Workmen) Act, 1981,
Coimbatore.

2.S.Karthikeyan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order dated 30.06.2017 passed in Na.Ka.No.E/4557/2015 on the file of the Hon'ble Labour Inspector, Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, Coimbatore and quash the same.



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For Petitioner : Mr.A.Sundaravadhanam
For R1 : Mrs.P.Rajarajeswari
Government Advocate
For R2 : Mr.K.M.Ramesh
Senior Counsel
for Mr.V.Subramani

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The order dated 30.06.2017 passed by the Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 is under challenge in the present writ petition.

2. It is not in dispute that the 2nd respondent/workmen was engaged as casual labour to the post of Conductor on 18.05.1998. He was terminated from services on 23.02.1999. Subsequently, he was absorbed as conducted in the sanctioned post with effect from 21.10.1999. On completion of 480 days of services, the service of the workmen was confirmed based on 12 (3) Settlement.



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3. When the service conditions of the petitioner are governed under 12(3) Settlement and based on the settlement, the services are confirmed, the workmen cannot turn around and claim retrospective confirmation of service based on the Conferment of Permanent Status Act. Once the service conditions are governed under 12(3) Settlement and the benefit of settlement has already been accepted by the workmen, he cannot claim retrospective confirmation.

4. Thus, we find that the order passed by the Authority under the Permanent Status Act is infirm and running counter to 12(3) Settlement agreed between the management and the workmen. The said order, which is impugned in the present writ petition in proceedings Na.Ka.No.E/4557/2015 dated 30.06.2017 is quashed. Consequently, the Writ Petition stands **allowed**. No costs. Connected W.M.P is closed.

[S.M.S.J.]

[K.R.S.J.]

26.03.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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