



WEB COPY



W.P.No.27290 of 2019

For Petitioner : Mr.Rajeni Ramadass

For Respondents : M/s.D.Babu Varadharajan for R1

: Mr.R.U.Dineshraj Kumar for R2

ORDER

This Writ Petition is filed seeking quashment of the order dated 03.12.2018 passed by 2nd respondent in PNMA/2541/2017.

2. First respondent has worked as an adhoc, reserve category Driver in the petitioner corporation. He has filed PNMA.No.2541 of 2017 before the second respondent authority under the Tamil Nadu Industrial Establishment Conferment of Permanent Status to Workmen Act, 1981, seeking to regularize his service and the second respondent authority had passed the impugned order on 03.12.2018 directing the petitioner corporation to regularize the first respondent's services. Aggrieved by the same the petitioner corporation has filed this Writ Petition.

3. Heard Mr.Rajeni Ramadass, the learned counsel for the petitioner corporation, M/s.D.Babu Varadharajan appearing for the first respondent



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and Mr.R.U.Dineshraj Kumar, the learned Additional Government Pleader

representing second respondent and perused the records.

4. Learned counsel for the petitioner has submitted that first respondent herein had been unauthorisedly absent for the period 14.07.2013 and 06.08.2013 thereby, provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 do not apply.

5. During the course of the hearing learned counsel for the first respondent has pointed out the bank statement and pay slips of the first respondent to show that first respondent was paid salaries regularly by the petitioner corporation. The Bank statement and pay slips of first respondent reveal that the salaries were paid to the first respondent from September 2009 to May 2011. Thereby, it is clear that first respondent worked continuously for more than 480 days in two years and thereby as per Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 applies to the case in hand. Therefore, this Writ Petition is liable to be allowed.



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Dr.D. NAGARJUN, J.

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6. In the result, this Writ Petition is allowed and the order dated 03.12.2018 passed by the second respondent in PNMA/2541/2017 is hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2024

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Index: Yes/No

Speaking Order: Yes/No

Note: Issue Order copy on 14.06.2024

To

1. The Assistant Commissioner of Labour
(Amalakkam) Villupuram,
(Authorised under Tamil Nadu Industrial
Establishment Conferment of Permanent Status) Act, 1981,
Villupuram.

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