



W.P.(MD).No.5987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5987 of 2024

R.Udhaya Kumar

... Petitioner

/Vs/

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
No.27, Railway Station New Road,
Kumbakonam.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to implement the order passed by the Assistant Commissioner of Labor (Enforcement) Authority under TN Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), Tanjore in Na.Ka.No.Aa.1990/2017 dated 22.05.2023 within a stipulated time fixed by this Court.

For Petitioner : Mr.H.Mahamed Hussain

For Respondent : M/s.K.Jegadeesh Balan
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondent to implement the order passed by the Assistant Commissioner of Labor (Enforcement) Authority under TN Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), dated 22.05.2023.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is working as a driver in the respondent's department for more than two decades. On 09.04.2001, the petitioner was appointed as Muster Roll employee. Thereafter, on 01.07.2006, the service of the petitioner has been regularized by the respondent, i.e, after a lapse of five years from the date of his initial appointment. While so, the petitioner approached the respondent department in person and produced the relevant material documents before them for regularization of his service on completion of 480 days from the date of his initial appointment as contemplated in Section



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3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to workmen) Act, 1981. However, the respondent department never heeded to the petitioner's request. Hence, the petitioner filed a petition under Section 3 of the aforesaid Act, before the Assistant Commissioner of Labor (Enforcement) Authority under TN Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), Tanjore. After full fledged trial, the petitioner's application seeking Conferment of Permanent Status to Workmen was allowed. The petitioner obtained the order of the Assistant Commissioner of Labor (Enforcement) Authority under TN Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), Tanjore and produced the same before the respondent department in person on 07.08.2023. The respondent on receiving the petitioner's application ensured that it would be processed at the earliest. However, no action has been taken by the respondent. While so, on 22.12.2023, the petitioner sent a legal notice through their counsel to the respondent department and their higher officials in this regard. Even thereafter, the respondent has not responded. Hence, this writ petition came to be filed.



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4. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. Carefully perused the materials available on record.

5. Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the respondent to consider the case of the petitioner in line with the order passed by the Assistant Commissioner of Labor (Enforcement) Authority under TN Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), dated 22.05.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

PNM

To

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited, No.27, Railway Station New Road,
Kumbakonam.



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L.VICTORIA GOWRI, J.

PNM

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