



W.P.(MD)No.7196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.7196 of 2024

D.Sivasankaran

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to implement the order passed by the Assistant Commissioner of Labour (Enforcement) Authority under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), Tanjore in Na.Ka.No.Aa.1994/2017 dated 22.05.2023 within a stipulated time fixed by this Court.

For Petitioner : Mr.H.Mahamed Hussain

For Respondent : Mr.K.Ramaiah
Standing Counsel



WEB COPY



W.P.(MD)No.7196 of 2024

ORDER

Heard Mr.H.Mahamed Hussain, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel appearing for the respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the respondent to implement the order passed by the Assistant Commissioner of Labour (Enforcement) Authority under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), Tanjore in Na.Ka.No.Aa.1994/2017 dated 22.05.2023.

3. Mr.H.Mahamed Hussain, learned counsel for the petitioner submitted that as per the order of the Assistant Commissioner of Labour (Enforcement) Authority, the service with the respondent got regularized in the year 2006. Despite the petitioner has got benefit of permanency, immediately after the completion of 480 days from the date of his initial appointment, his services has been regularized from 01.08.2006 by not giving credit to his earlier period of service. Hence, the petitioner filed this petition seeking direction against the respondent to implement the order passed by the Assistant Commissioner of Labour (Enforcement) Authority.



W.P.(MD)No.7196 of 2024

4. It seems that the petitioner has also given a representation to the respondent to consider his claim along with the legal notice. Since the petitioner has got an order from the Assistant Commissioner of Labour (Enforcement) Authority under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981), Tanjore in Na.Ka.No.Aa.1994/2017 dated 22.05.2023, for regularizing his service on and from 12.01.2003, due to the completion of 480 days of continuous service till 11.01.2003, the petitioner is entitled to get his service regularized from 12.01.2003. Since the respondent did not comply the direction of the appropriate authority, the respondent is directed to consider the representation of the petitioner and comply the order dated 22.05.2023 passed by the Assistant Commissioner of Labour (Enforcement) Authority and pass orders within a period of two weeks from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is **allowed**. No costs.

02.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD)No.7196 of 2024

To

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
No.27, Railway Station New Road,
Kumbakonam – 612 001.



WEB COPY



W.P.(MD)No.7196 of 2024

R.N.MANJULA, J

Nsr

W.P.(MD)No.7196 of 2024

02.04.2024