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W.P.No.344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.344 of 2024
and WMP.No.403 of 2024

The Management of
Tamil Nadu Transport Corporation Kovai (Ltd)
(Erode Region), No.47, Chennimalai Road
Erode - 638 001.

... Petitioner

Vs.

1.A.Shaji Thomas

2.The Assistant Commissioner of Labour
(Enforcement) Authority under the
Tamil Nadu Industrial Establishment
(Conferment of Permanent Status Act to
Workmen), 1981, Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the order in Claim Application No.Na.Ka.-B/1106/2019 dated 30.06.2023, passed by the second respondent herein, and quash the same.



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For Petitioner : Mr.T.Chandrasekaran

For Respondents : Ms.V.Porkodi for R1

Mr.M.Murali,
Government Advocate for R2

ORDER

Challenging the order passed by the Authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status Act to Workmen), 1981, [hereinafter called 'the Act'], the Transport Corporation who was the respondent before the authority, has filed the above writ petition.

2. The short facts of this case is that the first respondent herein who was engaged as casual labourer and had put in continuous service of 480 days in 24 calendar months, had moved the authority claiming permanent status. The authority had also allowed the claim petition by an order dated 30.06.2023. Challenging the same, the petitioner-Management has filed the above writ petition.



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3. It is the very contention of the petitioner-Corporation that the first respondent has not put in 480 days of continued services. However, a mere perusal of the application filed by the first respondent would clearly show that for a period of 24 months, the applicant, the first respondent has put in more than 480 days continuously. It is relevant to extract Section 3 of the the Tamil Nadu Industrial Establishment (Conferment of Permanent Status Act to Workmen), 1981, which reads as follows :

"3. Conferment of permanent status to workmen :

(1) Notwithstanding anything contained in any law for the time being in force every workman who is in continuous service for a period of four hundred and eighty days in a period of twenty-four calendar months in an industrial establishment shall be made permanent.

(2) A workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike, which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman."

Therefore, the order passed by the second respondent, by no stretch of



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imagination can be stated to be erroneous. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2025

Index : Yes / No

Neutral Citation : Yes / No

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To:

The Assistant Commissioner of Labour
(Enforcement) Authority under the
Tamil Nadu Industrial Establishment
(Conferment of Permanent Status Act to
Workmen), 1981, Erode.



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P.T. ASHA, J.

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