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W.P.No.12574 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12574 of 2012

And

M.P.No.1 of 2012

L.Buvendran
C/o.Nethaji Pokkuvarathu Thozhilalarkal
Pathukappu Thozhil Sangam
Rep. by its President
Mr.M.Anburaj

... Petitioner

Vs.

1.The Labour Inspector,
Authority with Tamil Nadu Industries
Establishments (Conferment of
Permanent Status to Workmen) Act, 1981
Coimbatore District.

2.The Management
Rep. by its Managing Director,
Tamil Nadu State
Transport Corporation (Kovai Division-1) Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 641 043.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records of the
first respondent relating to the impugned order in Na.Ka.No.E/ 4332/



W.P.No.12574 of 2012

WEB COPY

2007 dated 30.07.2009 and quash the same so far as the petitioner is concerned as illegal and consequently direct the second respondent to confer the petitioner permanent status with effect from the date of completion of 480 days or from the date of completion of 240 days and in the time scale of pay and to pay all other the monetary benefits that may arise thereon within a time limit.

For Petitioner : Mr.R.Y.George Williams

For Respondents : Mr.K.Surendran for R1
Additional Government Pleader
Mr.A.Sundaravadanan for R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the order in Na.Ka.No.E/ 4332/2007 dated 30.07.2009 and quash the same in so far as the petitioner is concerned as illegal and consequently direct the second respondent to confer the petitioner permanent status with effect from the date of completion of 480 days or from the date of completion of 240 days and in the time scale of pay and to pay all the other monetary benefits that may arise thereon within a time limit.



W.P.No.12574 of 2012

WEB COPY

2.The petitioner is working as Driver in the second respondent Corporation and he filed petition under Section 3 (1) of the Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, before the first respondent claiming permanency stating that he joined the service on 10.05.2000 and had worked for more than 480 days continuously in two calender years and he ought to have been made permanent on 11.09.2001, however, he was made permanent only on 01.09.2005 and the said petition was dismissed by the first respondent on the ground that the petitioner has to raise industrial dispute under Section 2(k) of the Industrial Disputes Act and that the first respondent has no jurisdiction to review or go into the correctness of the settlement reached before the Conciliation Officer. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that similarly situated persons filed W.P.Nos.9080 of 2011 etc., batch before this Court and this Court vide order dated 06.06.2011 allowed the said writ petitions by following the earlier order of this Court dated 06.04.2011 in W.P.Nos.18581 to 18586 of 2009 and this Court may extend the same benefit to this petitioner.



W.P.No.12574 of 2012

WEB COPY

4. Heard the arguments advanced on either side and perused the materials available on record.

5. It is useful to extract hereunder the relevant portions of the order of this Court dated **06.06.2011** made in **W.P.Nos.9080 of 2011 etc., batch [A.Kandaswamy Vs. Labour Inspector and another]**:

"5. Heard the learned counsel appearing on either side. The learned counsel appearing for the petitioners submitted the very same impugned order dated 30.7.2009 was challenged before this Court in a batch of writ petitions in W.P.Nos.18581 to 18586 of 2009 by similarly placed persons and this Court by a common order dated 6.4.2011 set aside the impugned order and granted relief to the petitioners therein and therefore similar relief may be granted to the petitioners herein also.

6. In the order of this Court dated 6.4.2011 in W.P.Nos.18581 to 18586 of 2009 in paragraphs 5 to 7 this Court held as follows:

"5. Admittedly, this is the case where the petitioners were appointed as Drivers and Conductors in the second



WEB COPY



W.P.No.12574 of 2012

respondent Corporation. From the date of their appointments, they have also completed 480 days of service. Therefore, as per Section 3(1) of the Industrial Disputes Act, the second respondent should have given the benefit of settlement reached under Section 12(3) of the Industrial Disputes Act on 31.08.2005, since the second respondent declined to consider the claim of the petitioners in terms of Section 12 (3) Settlement, they have made their claim before the first respondent, but, the first respondent without considering the fact that they have already reached 12 (3) Settlement dated 31.08.2005, wrongly dismissed the claim. According to him, it should not have been done. He added that the second respondent cannot deprive the right to get permanency from the date of completion of the days, merely because they have already issued the order of permanency dated 01.09.2005 on the ground that such orders have been accepted by the petitioners by further stating that they did not raise any dispute questioning the respondent for giving permanency only from 01.09.2005.

6. *The learned counsel for the*



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W.P.No.12574 of 2012

petitioners further submitted that though the petitioners have accepted the orders passed by the first respondent, the fact remains fact that the settlement reached under Section 12(3) of the Industrial Disputes Act, dated 31.08.2005, is binding upon the second respondent as well as the petitioners, therefore I am of the considered view that the impugned order rejecting the case of the petitioners is liable to be interfered with for the reason that the first respondent being an authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, has no jurisdiction to review or go into the correctness of the 12 (3) Settlement reached before the Conciliation Officer, inasmuch as a workman who has completed 480 days in 24 calender months is entitled to permanency from the date of completion of 480 days as per Section 3 (1) of the Act. Therefore, the impugned order suffers from illegality.

7. Accordingly, the impugned order is set aside. The writ petitions are allowed by directing the second respondent to confer the petitioners the permanent status with effect from 01.05.2000 in respect of the



WEB COPY



W.P.No.12574 of 2012

petitioner in W.P.No.18581 of 2009, A.Jabeer Hussain with effect from 01.05.2000, K.Mani with effect from 28.10.1999, A.Vasanthakumar with effect from 10.01.2000, N.Gnanavelu with effect from 14.05.2000, P.Chinnasamy with effect from 26.12.1999 and E.Anandaraju with effect from 14.04.2000 respectively, from the date of completion of 480 days of service in 24 calender months. Consequently, connected Miscellaneous Petitions are closed. No costs."

8. As the petitioners herein are also similarly placed persons, there will be a similar order in these writ petitions also. Consequently, the impugned order dated 30.7.2009 is set aside. The writ petitions are allowed by directing the second respondent to confer the petitioners the permanent status to A.Kandasamy with effect from 19.4.2000 (petitioner in W.P.No.9080/2011), S.Sreekanth with effect from 5.7.1999 (petitioner in W.P.No.9081/2011), S.Murugesan with effect from 4.4.2000 (petitioner in W.P.No.9082/2011), N.Sakthiparimalam with effect from 16.4.2002 (petitioner in W.P.No.9083/2011), N.Arumugam with effect from 28.5.2001 (petitioner in W.P.No.9084/2011), M.Nagendiran with effect from 1.9.2000 (petitioner in W.P.No.9085/2011),



WEB COPY



W.P.No.12574 of 2012

A.Padmanaban with effect from 1.8.2000 (petitioner in W.P.No.9086/2011); S.Ramakrishnan with effect from 17.4.2000 (petitioner in W.P.No.9087/2011), T.Elangovan with effect from 1.10.2001 (petitioner in W.P.No.9743/2011), K.P.Velliangiri with effect from 27.12.1999 (petitioner in W.P.No.9744/2011), P.Murugan with effect from 1.5.2000 (petitioner in W.P.No.9745/2011), C.Mylsamy with effect from 1.5.2000 (petitioner in W.P.No.9746/2011), J.Durairaj with effect from 26.9.2001 (petitioner in W.P.No.9747/2011) and S.M.Ponnusamy with effect from 30.7.2000 (petitioner in W.P.No.9748/2011) respectively, i.e., from the date of completion of 480 days of service in 24 calender months. Consequently, connected Miscellaneous Petitions are closed. No costs."

6.Already this Court has allowed the writ petitions filed by similarly situated persons. Accordingly, this writ petition is allowed in terms of the order of this Court dated 06.04.2011 in W.P.Nos.18581 to 18586 of 2009. The impugned order dated 30.07.2009 is set aside insofar as the petitioner is concerned. The second respondent is directed to confer the petitioner the permanent status with effect from the date of completion of 480 days of service in 24 calender months.



W.P.No.12574 of 2012

WEB COPY

7.The writ petition is allowed. No costs. Consequently,
connected miscellaneous petition is closed.

24.03.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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