



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 14.08.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.No.6822 of 2022
and
W.M.P.No.6889 of 2022

The General Manager,
Tamil Nadu State Metropolitan Transport Corporation,
Pallavan Illam, Pallavan Salai,
Chennai - 600 002.

...Petitioner

...Versus...

1.The Inspector of Labour,
Assistant Labour Commissioner (Amalakkam),
III Zone,
Nandanam, Chennai - 600 035.

2. R.Jayaseelan, Driver Staff No.D51266,
S/o.S.Ramachandran,
No20/18, Perumal Koil 4th Street,
Edaimannagar, Chennai - 600 051.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed in Case No.E/815 of 2018 dated 01.09.2021 on the file of the 1st respondent, Chennai - 35 and quash the same.



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2

For Petitioner :: Mr.C.Gowthamaraj
For R1 :: Mr.S.John, J.Raja Singh,
Additional Government Pleader
For R2 :: Mr.S.Angamuthu

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, who is the authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 in case E 815 of 2018, dated 01.09.2021. The second respondent had filed a petition stating that he joined duty in the petitioner's Management as a Driver on 15.09.1998 and thereafter continuously worked for 480 days within 24 calendar months. However, no permanent status was granted to him. Therefore, he approached the first respondent authority under Section 3(1) of the said Act.

2. Subsequently, he was granted permanent status only on 01.09.2005 as per the settlement under Section 12(3) of the Industrial Disputes Act dated 31.08.2005. The contention of the workman-second respondent is that immediately upon completion of 480 days of service, his permanent status ought to have been declared, i.e., from 16.05.1999. However, the Management failed to grant such declaration, citing the reason that from the year 2002 to 2005, there was a ban period.



3. The writ petitioner, being the respondent in the aforesaid application filed by the second respondent seeking a declaration of permanency, filed a counter stating that the second respondent was appointed on a temporary basis and was made permanent as per the 12(3) settlement entered into between the Management and the Union on 31.08.2005, with effect from 01.09.2005. It was further stated that there was a ban period from 2001 to 2005, and since the second respondent was working as a temporary employee, he was not entitled to permanency and had not completed 480 days of service within 24 calendar months. Therefore, the petition is liable to be dismissed.

4. After considering the submissions made by both parties, the authority under the said Act concluded that immediately upon completion of 480 days of service within 24 calendar months, the second respondent became eligible for conferment of permanent status. However, he was made permanent only on 01.09.2005, and that too based on the settlement under Section 12(3) of the Industrial Disputes Act dated 31.08.2005. Aggrieved by the said order, the present writ petition has been filed.



5. The learned counsel appearing for the petitioner submitted that the second respondent was appointed only on a temporary basis and is now claiming permanency for the period worked as a temporary employee, relying on the settlement under Section 12(3) of the Industrial Disputes Act dated 31.08.2005, which came into effect from 01.09.2005. Having accepted the said settlement, the second respondent has belatedly approached the Court after a lapse of 12 years, i.e., in 2017. Therefore, there is an inordinate delay, and the authority ought not to have granted permanency to the second respondent. Hence, the order passed by the first respondent-authority is liable to be set aside.

6. The learned counsel appearing for the second respondent submitted that the petitioner was appointed as a Driver on 15.09.1998 and had completed 480 days of continuous service within 24 calendar months. As per Section 3(1) of the Act, his permanent status ought to have been declared on 16.05.1999. However, the petitioner-Management failed to confer permanency on the second respondent. It was only based on the settlement between the Union and the writ petitioner that he was made permanent on 01.09.2005.



7. Therefore, the second respondent approached this Court in W.P.No.14681 of 2017, and the Writ Court disposed of the same by directing the second respondent to approach the concerned authorities. Consequently, though there was some delay, the second respondent thereafter approached the authority, which, after satisfying itself that the second respondent had fulfilled the conditions under Section 3(1) of the Act, passed the impugned order. There is no perversity or illegality in the order passed by the first respondent, and the writ petition is liable to be dismissed.

8. This Court has heard both sides and perused the records.

9. The petitioner was appointed as a Driver on 15.09.1998 and thereafter continuously worked for 480 days within 24 calendar months, making him eligible for permanency on 16.05.1999. The writ petitioner has also admitted that immediately after completion of 480 days, the services of the second respondent were not declared permanent. Subsequently, based on the settlement under Section 12(3) of the Industrial Disputes Act dated 31.08.2005, the second respondent was made permanent with effect from 01.09.2005.



10. As per Section 3(1) of the Act, immediately upon completion of 480 days within 24 calendar months, the second respondent was entitled to permanency. However, the writ petitioner contended that due to the ban imposed by the Government from 2001 to 2005, orders of permanency could not be issued. Since the date of appointment was prior to the ban period, the said contention of the writ petitioner, citing the ban period from 2001 to 2005, is not acceptable.

11. At this juncture, the learned counsel for the second respondent also relied upon the judgment of this Court in ***W.A.No.75 of 2022 [The Management, Tamil Nadu State Transport Corporation (Villupuram) Limited, Head Office, Tiruvannamalai Region, Bypass Road, Vengikal, Tiruvannamalai, represented by its General Manager vs. 1. The State of Labour Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (Tamil Nadu Act 46 of 1981), Tiruvannamalai, and others]*** and ***W.P.No.25390 of 2014 [The Management of Tamil Nadu State Transport Corporation (Coimbatore) Ltd., 37, Mettupalayam Road, Coimbatore - 641 043 and 1. The Inspector of Labour, Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen), Act 1981, Coimbatore and others]***.



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12. On careful perusal of the above judgment, it is clear that immediately upon completion of 480 days of continuous employment within 24 calendar months, an employee is entitled to be conferred permanent status.

13. The learned counsel appearing for the petitioner also relied on the judgment of the Hon'ble Division Bench of this Court in ***W.A.Nos.2642 to 2656 of 2012*** [*The Management, represented by its Managing Director, Tamil Nadu State Transport Corporation (Kovai Division Ltd.), 37, Mettupalayam Road, Coimbatore Vs. Labour Inspector Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, Coimbatore District and others*], wherein the Hon'ble Division Bench held that permanent status cannot be granted to workmen whose qualifying period falls within the ban period. However, in the present case, the second respondent was appointed prior to the ban period, i.e., on 15.09.1998. Therefore, the said case law will not be applicable to the present facts of the case.



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14. As far as the issue of delay in approaching the first respondent is concerned, it is true that the second respondent approached the first respondent only in the year 2017 belatedly. However, the said objection was also raised before the authority, and the authority had duly considered the above points raised by the writ petitioner before passing the impugned order and this Court need not go into that aspect in the present writ petition. Therefore, the order passed by the second respondent is well reasoned order and warrants no interference.

15. In view of the above discussion, this Court is of the opinion that the writ petition is devoid of merits and deserves to be dismissed.

16. Accordingly, this **Writ Petition is dismissed**. No costs. Consequently, the connected W.M.P. is closed.

14.08.2025

nvi

Index:Yes/No

Internet:Yes/No

Speaking Order:Yes/No

To:

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2. The Inspector of Labour,
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9

P.DHANABAL,J.,

nvi

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