



W.P.No.21110 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.21110 of 2018

and

W.M.P.No.24768 of 2018

1. The Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Palavansathukuppam,
Vellore.

...Petitioners

Vs.

1. Amsi

2. The Inspector of Labour,
Thiruvannamalai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order made in Na.Ka.No.E/1978/2016 dated 28.07.2017 on the file of the 2nd respondent/Inspector of Labour, Thiruvannamalai and quash the same.



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For Petitioners : Mr. C.Selvaraj

For R1 : Mr.R.Suryakumaran

For R2 : Mr.K.Surendran, AGP

ORDER

Questioning the direction to regularise the service of the second respondent herein, the petitioners have filed this writ petition. The second respondent vide order dated 28.07.2017 directed the petitioners to regularise the service of the first respondent herein on the ground that she has put in 480 days of continuous service in a period of 24 calendar months.

2. The short facts are that the first respondent was employed as a Sweeper in the Tirupatur Region Civil Supplies Corporation, Vellore District. As she has completed 480 days in the 24 calendar months, the first respondent sought for regularisation of service. The petitioner Corporation has rejected her request. The same was challenged before the second respondent. The second respondent passed an order in favour of first respondent and directed the petitioner to regularise the services.



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WEB COPY 3. When a similar issue was raised before this Court, this Court in W.P.No.41282 of 2018 dated 27.07.2023 confirmed the order passed by the Inspector of Labour Court and directed the Corporation to regularise the services of the employee.

4. The relevant paragraph is as under:

“8. It is the case of respondents 2 to 18/workmen that they are contractual employees of the petitioner corporation and that they have completed 480 days of continuous service in a period of 24 calendar months in the petitioner management. However, it is the claim of the petitioner corporation that there was no employer-employee relationship between the petitioner and the workmen and hence the workmen are not entitled for regularization of service. The dispute has been raised solely on the ground that the workmen have completed 480 days of continuous employment in the petitioner corporation.

9. Though the aforesaid contention and counter contention has been raised, however, the issue involved in the present case is no longer res integra as similar issue has already been decided by this Court in Writ Petition No.32234 of 2012 wherein, this Court has held as under:-

“5. Having regard to the rival submissions made this Court called for the records from the seventh respondent so as to



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examine whether the relief granted to the 1st respondents in the impugned order is supported by the evidence lead by the parties. In furtherance into, Learned Government counsel appearing for the 7th respondent has produced the records from which it has been noticed that the Chariman and Managing Director of the Petitioners by Letter No.r.C.ALB4/13507/2005 dated 12.01.2007 has recommended to the Special Secretary to the Government of Tamil Nadu, Co-operation, Food & Consumer Protection Department for the regularization of services of the First to Sixth Respondents as they had rendered more than two years of service satisfying the requirement of completing the continuous service of 480 days in a period of 24 calendar months for extending the benefit under the Permanent Status Act.

6.The natural consequence that flows from the conferment of permanent status by operation of the Permanent Status Act is that the payment of wages of the amount equivalent to that of a regular employee has to be extended and in this context, it would



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*be useful to refer to the decision of the Hon'ble Supreme Court of India in **State of Punjab -vs - Jagjit Singh** [(2017) 1 SCC 148], where it has been observed as follows:-*

“58. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities. Certainly not, in a Welfare State. Such an action besides being demeaning, strikes at the very foundation of human dignity. Anyone, who is compelled to work at a lesser wage does not do so voluntarily. He does so to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his dependants would suffer immensely, if he does not accept the lesser wage. Any act of paying less wages as compared to others similarly situate constitutes an act of exploitative enslavement, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.”

In that view of the matter, the impugned



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order in C.P.S. Case. No.2676 of 2008 dated 16.4.2012 passed by the seventh Respondent is confirmed.

10. From the aforesaid decision of this Court, it is clear that if the employees have satisfied the requirement of completing 480 days of continuous employment in the 24 calender months as mandated under the Permanent Status Act, they are entitled for claiming regularization of their services.”

5. Following the same, this Court confirms the order passed by the second respondent, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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



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To
The Inspector of Labour,
Thiruvannamalai.



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M.DHANDAPANI., J.

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