



W.P. No.15465 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.15465 of 2022
and W.M.P. No.14623 of 2022

The Management,
Hyundai Steel Pipes India Pvt. Ltd.,
No.49, Sengadu Village,
Sriperumbudur Taluk,
Kancheepuram District - 602 002.
represented by its Director
Mr. Jung Dae Park .. Petitioner

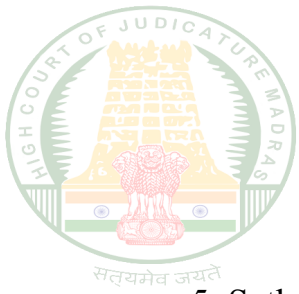
vs.

1. The Authority under the TN Indl. Establishment,
(Conferment of Permanent Status) Act, 1982,
Office of the Deputy Director of Industrial Safety
and Health - I,
Sriperumbudur.

2. S. Ganapathy Pandian
(Serial No1 in the petition),
S/o. S. Shanmugam,

3. Benny Singh.S
(Serial No.12 in the petition),
S/o. E. Sundar Singh.

4. Mankandan M S/o. S. Madhanagopal
(Serial No.10 in the petition).



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5. Sathyamoorthy A S/o. M. Arumugam
(Serial No.11 in the petition)

6. Babu K S/o. P. Kandappan
(Serial No.8 in the petition)

7. Jayaprakash N S/o. P. Natarajan
(Serial No.9 in the petition)

8. Gurumoorthy A S/o. S. Anbazhagan
(Serial No.4 in the petition)

9. Harikrishnan S S/o. D. Subrmani
(Serial No.3 in the petition)

10. Manikandan R S/o. K. Rajamanikam
(Serial No.2 in the petition).

11. Pargunan K S/o.K. Kanniyar
(Serial No.5 in the petition)

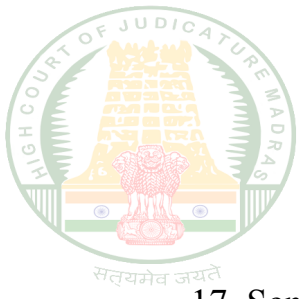
12. Surendar M S/o. A. Muthuraj
(Serial No.6 in the petition)

13. Sivamani M S/o. S. Mani
(Serial No.66 in the petition)

14. Venkatesan M S/o. K. Moorthy
(Serial No.7 in the petition)

15. Thiyagarajan G S/o. Gunasekaran.E
(Serial No.34 in the petition)

16. Prakash V S/o. C. Vaiyapuri
(Serial No.31 in the petition)



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17. Senthilkumar G S/o. M. Gunasekaran
(Serial No.29 in the petition)

18. Lakshmanan K S/o.M.C. Kannaiyan
(Serial No.28 in the petition)

19. Elumalai B S/o. C. Balakrishnan
(Serial No.27 in the petition)

20. Arumuga Samy M S/o. R. Madasamy
(Serial No.26 in the petition)

21. Vijayakanth G S/o. S. Govindasamy
(Serial No.24 in the petition)

22. Ranjith M S/o. N. Murugesan
(Serial No.22 in the petition)

23. Santhakumar V S/o. M. Vadivel
(Serial No.21 in the petition)

24. Balamurali D S/o. P. Dev Rao
(Serial No.20 in the petition)

25. Balaji D S/o. S. Dhanraj
(Serial No.19 in the petition)

26. Murugesan D S/o. N. Deveniran
(Serial No.18 in the petition)

27. Vel R S/o. R. Rosse Reddy
(Serial No.17 in the petition)

28. Karthikeyan I S/o. A. Iyyanar
(Serial No.15 in the petition)



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29. Maheshkumar R S/o. V. Rajendran
(Serial No.13 in the petition)

30. Thangavel M S/o. M. Madhanagopal
(Serial No.63 in the petition)

31. Sundaram S S/o. K. Subramani
(Serial No.62 in the petition)

32. Rajesh M S/o. D.K. Mani
(Serial No.64 in the petition)

33. Chandra Sekar J S/o. R. Jaganathan
(Serial No.61 in the petition)

34. Karunakaran N S/o. M. Narayanan
(Serial No.59 in the petition)

35. Krishnanoorthy S S/o. K. Sekar
(Serial No.58 in the petition)

36. Chiranjeevi G S/o. C. Govindasamy
(Serial No.57 in the petition)

37. Ponraj S S/o. Shanmugavel
(Serial No.55 in the petition)

38. Gunasekaran M S/o. M. Murugesan
(Serial No.54 in the petition)

39. Kanniyappan R S/o. S. Ramalingam
(Serial No.53 in the petition)

40. Shanmugam P S/o. K. Panneer Selvam
(Serial No.52 in the petition)

41. Sathish Kumar S S/o. M. Sathya Nesan



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(Serial No.51 in the petition)

42. Karthik R S/o. D. Rethinam
(Serial No.50 in the petition)

43. Kumar BK S/o. B.K. Kandhaswamy
(Serial No.65 in the petition)

44. Ponnuchamy S S/o. S. Selvaraj
(Serial No.49 in the petition)

45. Jagan S S/o. E. Sampath
(Serial No.48 in the petition)

46. Vinoth T S/o. K. Thiyagarajan
(Serial No.47 in the petition)

47. Manigandan M S/o. N.Munusamy
(Serial No.44 in the petition)

48. Praveen S S/o. N. Selvamani
(Serial No.43 in the petition)

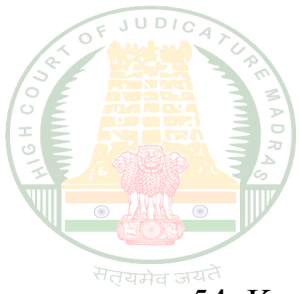
49. Prabakaran D S/o. S. Dhana Sekaran
(Serial No.42 in the petition)

50. Vijayaragavan B S/o. M. Balakrishnan
(Serial No.41 in the petition)

51. Siranjeevi N S/o. G. Narasimman
(Serial No.40 in the petition)

52. Jayaprakash A S/o. A. Arivazhagan
(Serial No.39 in the petition)

53. Sathish Kumar M S/o. K. Muthialu
(Serial No.38 in the petition)



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54. Karthi V S/o. K. Vasudevan
(Serial No.69 in the petition)

50. Rajasekar R S/o. M. Ravi
(Serial No.71 in the petition)

.. Respondents

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records connected with the order dated 25.01.2022 made in File Ref:A/281/2016 on the file of the 1st respondent Authority under the TN Industrial Establishment (Conferment of Permanent Status) Act, 1981 and to quash the same.

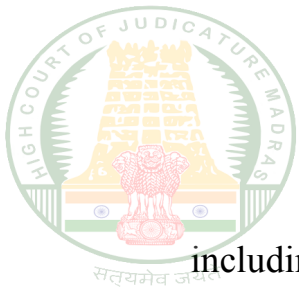
For Petitioner : Mr. S. Ravindran, Senior Counsel

For Respondent : Mr. L.S.M. Hasan Fizal
[for R1] : Additional Government Pleader.

[for R2 to R55] Mr. V. Prakash, Senior Counsel
: for Mr. S. Abinash .

ORDER

This Writ petition has been filed challenging the order passed by the 1st respondent in File Ref:A/281/2016 dated 25.01.2022, wherein the respondents 2 to 55 herein have filed a petition before the Authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 and the same was allowed by directing the petitioner Management to confer permanent status of 54 applicants as detailed in Annexure-A by



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including their names in Form I in the Register under Rule 6(1) of 'the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981' from the date on which they became qualified to enter under 'the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981. Aggrieved by the said order, the petitioner Management has filed the present Writ petition.

2. For the sake of convenience, the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 will be hereinafter referred to as 'the Act'.

3. The learned Senior Counsel appearing for the petitioner Management would submit that the Petitioner Management is engaged in the manufacturing of automotive steel pipes. The respondents 2 to 55 were engaged as 'trainees' in the petitioner Management. By virtue of rapid improvements in technology in manufacturing of automobile components, imparting necessary training is absolutely essential to its employees in various areas of operations not only with a view to equip them to be competent enough to do various jobs which are relevant to their knowledge, education



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and skill but also with a view to give an overall perspective of the production of the products of manufactured. All the machines are highly advanced and require high level of skills to operate efficiently in order to achieve the desired results. As a part of the training, knowledge on production, operation of machines, quality, safety, maintenance etc., will be imparted so that they get orientation on all skills. Such training is being imparted under scrutiny and supervision by the supervisor / Engineer/ Manager. In the absence of such extensive 'on the job' training, it would not be possible for any trainee to effectively engage himself directly in the manufacture of products. While the period of training is for 3 years, the various trainees including the respondents 2 to 55 were specifically handed over the training scheme even at the time of his engagement as a Trainee along with order of appointment as a trainee. Further, at the end of each year of training, the trainee is subjected to assessment on various parameters. Upon completion of that year of training, the trainee is appointed for the next level of training for the next year and after assessment for the second year taken on training for the third year. At the end of each year, each of such trainees have been assessed for their performance by the Human Resources Department as well as the Reporting Authority and based on the outcome of such assessment training of the trainee



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is either extended or determined as the case may be.

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3.1. So far as these respondents are concerned, they have been assessed on their performance at periodical intervals. Such trainees apart from being provided on the job training, were also imparted class room training. While so, all of a sudden, these respondents refused to report for training on 08.12.2015 over the issue relating to conclusion of the training period of certain trainees. On 17.12.2015, these respondents 2 to 55 raised a dispute through United Labour Federation before the Assistant Commissioner of Labour (Conciliation), Sriperumbudur alleging that they were not engaged on training and 4 persons were terminated on 08.12.2015. Thereafter, these persons sought that the termination of services of those four persons be recalled and these persons be confirmed in the services of the petitioner. The petitioner also appeared before the Conciliation Officer and stated that respondents may report for training as was hitherto. The respondents through their Union had also raised a dispute claiming that 114 workmen be recognized as machine operators and made permanent. When the respondents 2 to 55 were appointed as trainees, the Model Standing Orders as framed by the Government of Tamil Nadu applied to the petitioner which contemplated

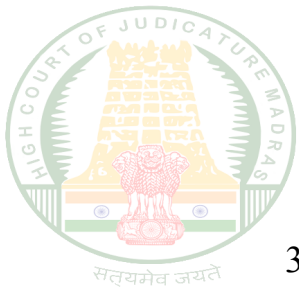


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engagement of trainees for a maximum period of 3 years. Thereupon, even while the training of the contesting respondents was in force, the petitioner had in place certified standing orders since 10.12.2014 and the same is binding on both the petitioner and the respondents. There upon, even while the proceedings were pending before the 1st respondent, the trainees numbering about 13 persons, who had also filed a petition before the 1st respondent were made permanent by the petitioner.

3.2. Already the I.D. No.24 of 2018 before the Industrial Tribunal was dismissed on 25.11.2021. Thereafter, the respondents filed a Writ petition in W.P. No.30501 of 2019 to direct the 1st respondent to pass orders on the petition pending before him which came to be ordered on 01.10.2021. The 1st respondent without considering the facts that the respondents 2 to 55 refused employment from 08.12.2015, allowed petition for conferment of permanent status which was filed on 15.02.2016. Therefore, the petition is not maintainable. The 1st respondent failed to consider that even though the petitioner was ready to give employment to the trainees, they failed to return for duty. Since the respondents themselves pleaded that they were terminated on 08.12.2015 itself, this petition under 'the Act' will not be applicable.



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3.3. The 1st respondent having observed that it was not in dispute that both the parties have agreed with the contesting employees who were employed as trainees and they continued to be employees as 'Trainees', could not have given a go by and ordered conferment of permanent status merely on the ground that they had completed 480 days of training in a period of 24 calendar months. The 1st respondent erred in observing that the contesting respondents were paid wages and overtime. Per contra, the Ex.P.1, the petitioner's document that even the appointment order specifically stated that the trainees were paid only stipend. The respondents also signed in the apprentice training scheme which specifically specified the terms of the training offered by the petitioner in detail. The witness examined on the side of the respondents herein as WW1 admitted the participation in various training classes conducted by the petitioner on various dates and batches. The training was imparted by the petitioner from 29.05.2013 to 12.03.2015 and the respondents 2 to 55 have been evaluated for their overall performance at regular intervals through documents Ex.M.17, Ex.M.19 and Ex.M.30, but the same has not been considered by the 1st respondent. In fact, the respondents 2 to 55 on their own volition stopped reporting for training on and from 08.12.2015 and despite repeated communication calling the contesting



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respondents to report for training, they have not attended the training. The 1st respondent Authority failed to consider the documents filed on the side of the Writ petitioner Management. The 1st respondent has no jurisdiction to probe into the question as to whether the contesting respondents were trainees or not. The 1st respondent failed to consider that the respondents already raised an industrial dispute in I.D. No.24 of 2018 and not chosen to pursue the proceedings and the same was dismissed on 25.11.2021. The Tribunal without any documents and evidences held that bare perusal of the application and counter statement, reply statements, witness statements of management as well as respondents establish that the respondents were in employment and have completed 480 days of continuous employment in twenty-four calendar months and the same is perverse. The contesting respondents alleged that they were denied employment on 08.12.2015, which is much prior to their application before the 1st respondent. Therefore, the order passed by the 1st respondent is liable to be quashed.

3.4. In support of his contention, the learned Senior Counsel for the petitioner has relied upon the following judgments:

3.4.1. ***Superintending Engineer, Erode Electricity Distribution Circle, Tamil Nadu Electricity Board vs. Inspector of Labour reported in***



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2022 SCC Online 1003.

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3.4.2. Regional Provident Fund Commissioner, Mangalore vs. Central Arecanut & Coca Marketing and Processing Co-op. Ltd., Mangalore reported in (2006) 2 Supreme Court Cases 381.

3.4.3. Regional Provident Fund Commissioner, Employees Provident Fund Organization vs. Employees Provident Funds Appellate Tribunal, New Delhi and Others reported in 2015 LLR 1253.

3.4.4. Diamond Shipping Agencies vs. Employees Provident Fund Appellate Tribunal, New Delhi and another reported in 2019(4) LLN 785 (Mad.)

3.4.5. The Regional Provident Fund Commissioner vs. The Presiding Officer, The Employees' Provident Appellate Tribunal, New Delhi and another in W.P. (MD) No.16456 of 2012.

3.4.6. Petroleum Employees Union vs. Indian Oil Corporation Ltd., and others reported in (2001) 1 LLJ 1211 Bom.

4. The learned Senior Counsel appearing for the respondents 2 to 55 would submit that the respondents 2 to 55 along with other workers were



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employed as 'operators' in the petitioner Management and the respondents are among the 119 machine operators. The petitioner Management manufactured automatic components and it is the usual practice of the Management not to engage workers on permanent status and the Management issued appointment orders to the respondents designated them as 'trainees', while no training was imparted to them and they were already experienced having reasonable experience to handle production machines and they were directly engaged in the annual manufacturing operation in the factory from the beginning. There is no single permanent machine operator in the petitioner Management and they have completed 480 days of continuous service from the date of their appointment. Without conferring the permanent status, the petitioner Management extracted work from the respondents. The names of the respondents are not in the list to be maintained under Rule 6 of 'the Act'. The Management having advantage of the position of the workers gave appointment orders as 'trainees' without imparting training to them, straight away, they had been engaged in the production Unit and hence the respondents were under the impression that after completion of 480 days, permanent status would be given to them. Thereby, they waited for 480 days. Thereafter, when they demanded to make them permanent, the petitioner



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Management refused to give work to them from 08.12.2015. Therefore, the respondents raised demands through Union and thereafter they approached the 1st respondent to direct the petitioner Management to include the names of the respondents in Form I under Rule 6 of 'the Act' and to confer permanent status on the respondents 2 to 55 and others. Before the Authority, one witness was examined and documents were marked. Thereafter the Authority passed an order. Though their appointment orders were given to them by designating them as 'trainees', they had worked in the production Unit and they produced products. Even after completion of 480 days, their permanency status has not been declared. Therefore, the Authority passed a reasoned order and the present Writ petition is liable to be dismissed.

4.1. In support of his contention, the learned Senior Counsel appearing for the respondents 2 to 55 has relied upon the following Judgments:

4.1.1. ***Workmen employed in Associated Rubber Industry Ltd, Bhavnagar vs. Associated Rubber Indusry Ltd., Bhavnagar and another reported in (1985) 4 Supreme Court Cases 114.***

4.1.2. ***Tamil Nadu Medical Services Corporation Limited vs. Tamil Nadu Medical Services Corporation Employees Welfare Union and***



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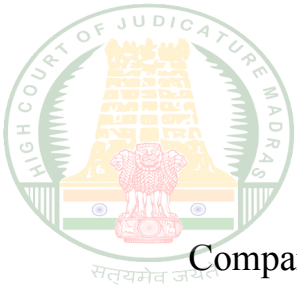
another reported in 2024 SCC Online SC 982.

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4.1.3. Superintending Engineer, Erode Electricity Distribution Circle, Tamil Nadu Electricity Board vs. Inspector of Labour and others reported in 2022 SCC Online Mad 1003.

5. Heard both sides and perused the entire materials available on record.

6. According to the petitioner Management, the respondents 2 to 55 and others were appointed as 'trainees' for 3 years and their work performance was also assessed at the end of the year and while span of training for a period of 3 years, a Scheme was framed and the training Schemes were specifically furnished to the respondents. At the end of each year of training, the trainee is subjected to assessment on various parameters. Upon completion of that year of training, the trainee is appointed for the next level of training for the next year and after assessment for the second year taken on training for the third year. The petitioner Management produced documents to show that the Scheme of Company Apprentice Training issued to the respondents, where it has been categorically mentioned about the training. The above said

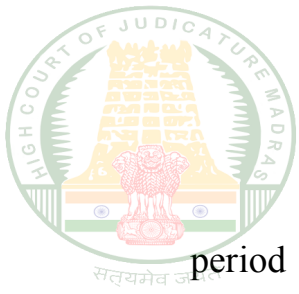


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Company Apprentice Training Scheme was also communicated to the respondents and the same were also not disputed by them.

7. Before the Authority, on the side of the workman, one person / 2nd respondent was examined as a witness. The 2nd respondent Ganapathy Pandian is concerned, in his appointment order, his training period was mentioned for one year i.e., from 06.02.2013 to 05.02.2014. There are no records for the other respondents in respect of their tenure of training period. Before the 1st respondent, the respondents have produced the appointment order of the 2nd respondent only, whereas in the counter, they stated that the training period is for 3 years. Moreover, on the side of the respondents, they examined only one person and according to him, without knowing the contents of the documents, he signed in the documents, which is in respect of that person only and the same cannot be extended to other respondents. When the respondent agreed the appointment order and the training for a particular period, it is more appropriate to examine each workman in respect of their appointment and training separately. Therefore, every respondent has to be examined in respect of their appointment orders and the training. The petitioner also not produced the appointment orders as about to know the



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period of training and other particulars. When the respondents were appointed on various dates, on various Sections and on various status, it is not appropriate to rely upon the evidence of a single respondent. Each post has separate training and therefore, on account of training for a particular post, the evidence adduced by the respondent is not sufficient. As far as the power of the 3rd respondent to decide the status of the workman is also left open and the parties can put forth their submissions before the 1st respondent in this regard.

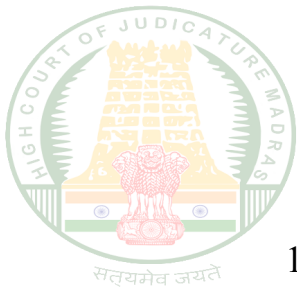
8. The 2nd respondent was also in his cross examination admitted that in the Apprentice Training Scheme, he signed and since the appointment order was in English language, he was unable to understand English. Under the circumstances, the said evidence cannot be applied to all the respondents and he also admitted that on 31.03.2015, his training period was extended. When the appointment order itself shows that training period is one year, how they extended for further period. The extension order has to be explained and there are no records in that regard. The petitioner Management also admitted that on 17.11.2014, the 2nd respondent attended the training programme. While so, whether other respondents attended training programme or not, has to be ascertained through the particular persons. Therefore, without



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examining them, it is not appropriate to pass orders based on a single evidence.

9. Moreover, it is an admitted fact that the respondents 2 to 55 were appointed on different dates, on different status for operation of different types of machines. While so, each respondent has not adduced their evidences separately and the evidence adduced by one respondent cannot be applied for all the respondents. The 1st respondent also in the order mentioned about the witness examined, but not enclosed the list of witnesses and list of documents and not referred about the documents marked by the parties. Though the matter is pertaining to a common cause of all the respondents, who were appointed on different dates and on different Sections and they were given different training. Moreover, there are no records to show that the respondents 2 to 55 had continuously worked for 480 days within 24 calendar months. However, the 1st respondent observed that the respondents 2 to 55 had continuously worked for 480 days. Therefore, the order passed by the 1st respondent is liable to be set aside and the matter has to be remanded back to the 1st respondent for fresh disposal by giving opportunity to the parties to examine the other respondents as witnesses and it is open to both the parties to adduce evidence in accordance with law.



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10. As far as the judgments relied on by the learned Senior Counsels appearing on either side are concerned, this Court has not disposed the case on merits and for want of sufficient evidence, decided to remand back the case for fresh disposal. Therefore, those judgments submitted by both the parties, have no relevance to decide the case.

11. In the result, the Writ petition is ***allowed*** and the matter has been remanded back to the 1st respondent for fresh disposal by giving opportunity to both the parties to examine their witnesses. The Authority under 'the Act' is directed to complete the process within **6 (six) months from the date of receipt of a copy of this order.** There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

30.07.2025

Index : Yes/No.
Speaking order/non-speaking order
mjs

P. DHANABAL, J.,

mjs

To

The Authority under the TN Indl. Establishment,
(Conferment of Permanent Status) Act, 1982,
Office of the Deputy Director of Industrial Safety

20/21



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and Health - I, Sriperumbudur.

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