

WP.No.19663 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

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CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.19663 of 2025

V.Govindasamy

... Petitioner

Vs.

1.The Managing Director

The Tamilnadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishnan Road,
Salem.

2.The General Manager

The Tamilnadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Circle, Bharathipuram,
Dharmapuri District.

3.The Assistant Commissioner Of Labour
(Enforcement)

Authority Under Tamilnadu Industrial Establishment
(Conferment Of Permanent Status To Workmen) Act, 1981,
Salem.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India Directing the respondents 1 and 2 to consider the petitioners representations dated 03.03.2025 and 08.04.2025 based on the order passed in the 3rd respondent in Na.Ka. No.AA2160/ 2012 dated 06.12.2018 and given all benefits.



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For Petitioner : M/s.M.Selvam

For Respondent : M/s.K.Raja, Standing counsel
for R.1 and R.2.

: M/s.M.Jayanthi, AGP for R.3

ORDER

The Writ Petition is filed for the following reliefs:-

"Directing the respondents 1 and 2 to consider the petitioners representations dated 03.03.2025 and 08.04.2025 based on the order passed in the 3rd respondent in Na.Ka. No.AA2160/ 2012 dated 06.12.2018 and given all benefits."

2. It is the case of the petitioner that he had joined the services of the respondent/corporation as a Driver at their Hosur Branch, Krishnagiri on 09.10.2007 as a temporary employee on a daily wage basis and after a period of 4 years he was made permanent.

3. It is his further case that one Senthil Kumar who was appointed as a driver in the 1st respondent/corporation during the 2007 recruitment process had approached the 3rd respondent seeking



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permanent status as per Section 3 of the Tamilnadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 (hereinafter called as the "Act"). Section 3 of the Act stipulates that any workman who has been in continuous service for 480 days within a 24-month period in an industrial establishment shall be granted permanent status. The 3rd respondent by his order dated 06.12.2018 had granted permanent status to the said Senthil Kumar (driver). This order was challenged by the 1st respondent in WP No. 31897 of 2019, which was dismissed on 27.01.2022. Thereafter, the 1st respondent preferred a Writ Appeal in WA No. 2775 of 2022, which was also dismissed on 30.08.2023.

4. The petitioner thereafter being a similarly placed person had submitted representations on 03.03.2025 and 08.04.2025 to respondents 1 and 2 to revise the date of conferment of permanent status from 25.04.2007 to comply with the requisite 480 days from the date of joining and to provide a scale of pay applicable for a regular employee as per order dated 06.12.2018 in NA.KAA.No.2160/2012. However, these representations have been



kept in cold storage with no action being taken thereupon. Therefore, the petitioner has come forward with the present writ petition.

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5. Heard the learned counsel on either side.

6. Considering the fact that the representation that has been made as early as on 03.03.2025 has not seen the light of the day and there has been a reluctance on the part of the respondents to discharge their statutory duty, a mandamus is issued to respondents 1 and 2 to consider the representations of the petitioner and pass orders in accordance with law within a period of 6 weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is allowed. No costs.

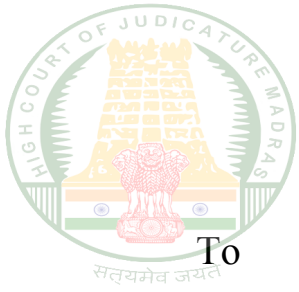
05.06.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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