



W.P.Nos.31440 of 2014 & 17374 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.31440 of 2014 & 17374 of 2021

and

M.P.Nos.1 & 2 of 2014 and W.M.P.Nos.4925 of 2016 & 18424 of 2021

W.P.No.31440 of 2014

The Commissioner,
Vellore Municipal Corporation,
Vellore.

... Petitioner

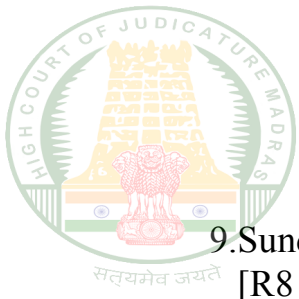
Vs.

1.Labour Inspector,
Authority under the Tamil Nadu Establishment (Conferment of
Permanent Status to Workmen) Act,
Vellore.
[R1 cause title amended as per order dt. 08.12.2014 made in
M.P.No.4 of 2014 in W.P.No.31440 of 2014]

2.K.Karunakaran
3.M.Dhandapani
4.Hariharan (deceased)
5.Subramani
6.A.Govindaraj
7.V.K.Mahesh

[R7 impleaded as per order dt. 28.06.2018 made in
M.P.No.3 of 2014 in W.P.No.31440 of 2014]

8.A.Kaviarasi



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9.Sundarambal

... Respondents

[R8 & R9 impleaded vide order dt.22.11.2019 made in

W.M.P.No.779 of 2017 in W.P.No.31440 of 2014]

Prayer in W.P.No.31440 of 2014 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the first respondent in vide proceedings Na.Ka.No.3338/2012 dated 15.09.2014 under Tamil Nadu Establishment (Conferment of Permanent Status to Workman) Act, 1981 and quash the same being illegal, invalid and contrary to the law.

W.P.No.31440 of 2014

For Petitioner : Mr.P.Shanthi

For Respondents : Mr.K.Surendran
Additional Government Pleader [R1]
Mr.K.M.Ramesh
Senior Counsel
for M/s.S.Apunu [R2 to R6, R8 & R9]
Mr.Babu Barveez
No appearance [R7]

W.P.No.17374 of 2021

The Commissioner,
Vellore City Municipal Corporation,
Infactory Road,
Vellore – 632 001.

... Petitioner

Vs.

1.K.Karunakaran
2.M.Dhandapani
3.N.Subramani
4.A.Govindaraj

... Respondents



W.P.Nos.31440 of 2014 & 17374 of 2021

Prayer in W.P.No.31440 of 2014 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the Principal Labour Court, Vellore in award passed in C.P.No.31 of 2019 dated 26.03.2021 and quash the same.

W.P.No.17374 of 2021

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.K.M.Ramesh
Senior Counsel
for M/s.S.Apunu

COMMON ORDER

Since the issue involved in these writ petitions are interconnected, with the consent of the learned counsel for the parties, these writ petitions are heard together and disposed of by way of this common order.

2. The petitioner is the Vellore City Municipal Corporation and the respondents in W.P.No.17374 of 2021/workmen were employed as contract labour with independent contractors. After a lapse of several years, they filed petitions before the Labour Inspector, Authority under the Tamil Nadu Establishment (Conferment of Permanent Status to



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Workmen) Act (in short 'the Act') and the Labour Inspector has ordered in favour of the respective workmen in terms of Section 3 of the Act vide impugned proceedings dated 15.09.2014. Challenging the same, W.P.No.31440 of 2014 has been filed. Based on the said impugned proceedings dated 15.09.2014, the respective workmen filed a petition u/s 33(C)(5) of the Industrial Disputes Act, 1947 (in short 'the ID Act') before the Principal Labour Court, Vellore in C.P.No.31 of 2019 to direct the petitioner herein to pay the sums as detailed in the petition with interest and costs and the labour court allowed the petition vide order dated 26.03.2021, directing the petitioner to pay the monetary benefits to the workmen as claimed in the petition. Challenging the same, W.P.No.17374 of 2021 has been filed.

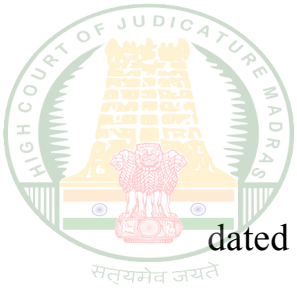
3. Learned counsel appearing for the petitioner contended that the permanent status can be granted if the workman has rendered more than 480 days in two calendar years continuously. In order to ascertain the same, this Court may call for records from the labour court and if this Court is satisfied that the workmen have continuously employed for 480 days in two calendar years, this Court may pass appropriate orders. However, the fact remains that the workmen are contract employees and



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they are employed with independent contractors on the basis of the contract entered into between the petitioner and the respective contractors dated 06.02.2013. Accordingly, he prays for allowing the writ petitions.

4. Per contra, learned Senior Counsel appearing for the respective workmen submits that initially all the workmen were directly employed with the petitioner uninterruptedly for more than 480 days and subsequently, they were transferred as contract employees with the independent contractors. On the basis of the initial employment with the petitioner, the workmen have filed a petition before the Labour Inspector seeking status of permanency and the Labour Inspector allowed the same, which does not require any interference. Further, the learned Senior Counsel have no serious objection for calling for the records from the labour court. After the order of Labour Inspector granting status of permanency in favour of the workmen, the workmen have filed C.P.No.118 of 2015 claiming arrears of salary for the period from January, 2006 to November, 2014 and the same was allowed by the labour court, against which, the petitioner has filed a writ petition before this Court in W.P.No.17372 of 2021, which was dismissed vide order



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dated 19.08.2021. Further the present computation petition in C.P.No.31

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of 2019 was filed for the subsequent period, which was also allowed by the labour court and the same does not require any interference. Accordingly, he prays for dismissal of the writ petitions.

5. Heard the learned counsel appearing for the parties and also perused the materials available on record.

6. In order to ascertain whether the workmen have continuously employed 480 days in a two calendar years in terms of Section 3 of the Act, this Court has called for records from the Labour Inspector. A perusal of the records reveals that there is no proof available for the continuous employment of the workmen for 480 days in a two calendar year with the petitioner. In the absence of any materials to prove the same, the impugned order passed by the Labour Inspector granting status of permanency in favour of the workmen is arbitrary, perverse and unreasonable and the same does not deserve to be sustained. Further, based on the said order of the Labour Inspector, the CP was allowed in favour of the workmen, which is also not sustainable. Hence, on the score, these writ petitions deserve to be allowed.



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7. It is made clear that whatever the amount already paid to the respective workmen on basis of the order passed by this Court shall not be recovered from them by the petitioner. If the respective workmen employed as contract employees with independent contractors, their services may not be terminated and the petitioner may extract work from them through the independent contractors.

8. For the reasons stated above, these Writ Petitions are allowed and the impugned proceedings of the Labour Inspector, Authority under the Tamil Nadu Establishment (Conferment of Permanent Status to Workmen) Act, Vellore, dated 15.09.2014 and the impugned order dated 26.03.2021 passed by the Principal Labour Court, Vellore in C.P.No.31 of 2019 are set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

08.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

- 1.The Labour Inspector,
Authority under the Tamil Nadu Establishment (Conferment of
Permanent Status to Workmen) Act,
Vellore.
- 2.The Principal Labour Court,
Vellore.

W.P.Nos.31440 of 2014 & 17374 of 2021

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