



WEB COPY

WA No. 2412 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**W.A. No. 2412 of 2025
and C.M.P.No.18441 of 2025**

1. The Management
Tamil Nadu State Transport
Corporation (Villupuram) Ltd, Regional
office, Bye Pass Road,
Venkikal -606 604, Thiruvannamalai-4

Appellant(s)

Vs

1. The Inspector of Labour
Authority under Tamil Nadu Industrial
Establishments Act 1981, (Tamil Nadu
Act 46 of 1981), Thiruvannamalai

2.A.R.Balaji
C/o.Arasu Pokuvarathu Kazhaga
Uuliyur Sangam, 187, Gangai amman
Kovil St, Thenimalai, Thiruvannamalai

Respondent(s)

PRAYER

The Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 08.12.2022 in W.P. No. 29798 of 2014.

For Petitioner(s) Mr. M. Aswin

For Respondent(s): Mr. R. Kumaravel
Additional Government Pleader for R1

Mr. V.Ajay Khose for R2



JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH, J.)

The present Writ Appeal has been filed against the order dated 08.12.2022 in W.P. No. 29798 of 2014.

2. The facts before the Writ Court are as follows:-

The second respondent herein was appointed as a daily wage employee on 10.03.2008, after being sponsored by the Employment Exchange. When he had sought conferment of permanent status under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, the first respondent authority had taken into account the salary slips paid to the workman and had arrived at the conclusion that he had completed 480 days within the preceding 24 calendar months, through its order dated 05.02.2014.

2.1. When the Management had challenged the order of the authority before the Writ Court in W.P.No.29798 of 2014, the Writ Petition came to be dismissed on 08.12.2022, by rejecting the claim of the Management that the terms of a Settlement under Section 12(3) of the Industrial Disputes Act, cannot override the provisions of a statute, for which purpose reliance was placed on the decision in *Management, Tamil Nadu State Transport Corporation*



(Madurai) Ltd., Vs. Labour Inspector, Virudhunagar and another reported in
2019 (4) LLN 790 (DB) (Mad.)

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2.2. This order of dismissal is assailed in the present Writ Appeal.

3. Mr. M. Aswin, learned counsel for the appellant / Transport Corporation would place reliance on G.O.(D).No.41, Transport (C1) Department, dated 16.03.2007 and would submit that in view of the additional requirement of drivers and conductors, the 2nd respondent herein, like the other staff members, was recruited on a reserve basis and absorbed as per the norms fixed in G.O.(D).No.41. Since the absorption of the 2nd respondent is governed by G.O.(D).No.41, the authority ought not to have conferred the permanent status.

3.1. As an alternate submission, it is his case that the 2nd respondent herein was subjected to disciplinary proceedings and a punishment was also imposed in the year 2011 and therefore, the punishment of postponement of permanency by three years, ought to have been taken into account, while calculating 480 days for granting permanent status.

4. Per contra, Mr.Ajoy Khose, learned counsel appearing for the 2nd respondent would submit that when Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, provides



for grant of permanent status to persons, who have completed 480 days in 24 calendar months, neither G.O.(D).No.41, Transport (C1) Department, dated 16.03.2007, nor the terms of Settlement under Section 12(3) of Industrial Disputes Act, could override the statutory provisions. With regard to the punishment, his submissions are two fold. Firstly, he would submit that the punishment was in the year 2011 and the workman had already completed the period of 480 days and therefore, the punishment has no consequence. Secondly, he would submit that the postponement of conferment of permanent status by a period of five years, is not a punishment prescribed under the regulations and as such, this punishment cannot be taken into account for any purpose, including the grant of permanent status.

5. We have given our anxious consideration to the submission made on either side.

6. We are not in agreement with the stand of the Transport Corporation that the permanent absorption of the workman is governed by G.O.D.No.41. May be the Transport Corporation would have maintained a reserve list for the recruitment of drivers and conductors on a contingency basis. But when the Permanent Status Act provides for procedure for declaration of permanent status, no other Government Order or Circulars can over ride the procedure under the statute. When an authority under the Act records the fact of a workman having completed 480 days within the preceding 24 calendar



months, the concerned workman is deemed to have been conferred with permanent status on completion of 480 days of continuous service. Thus, G.O.D.No.41 cannot dilute the provisions of an Act and set forth any contrary mode of absorption of a workman who complies with the requirements of Section 3 of the Act.

7.The learned Single Judge had also placed reliance on the decision in the case of Management, *Tamil Nadu State Transport (Madurai) Limited vs. Labour Inspector, Virudhunagar and another*, for the proposition that the terms of a settlement under Section 12(3) of the Industrial Disputes Act therein cannot override the statutory provisions. In our view, such a finding of the learned Single Judge has our approval.

8.The learned counsel appearing for the Transport Corporation also made a submission that the workman was awarded with the punishment of postponement of permanency by three years, which period ought to have been deducted while calculating the 480 days. However factually, the punishment was imposed only in the year 2011 and by that time, the workman had already completed 480 days, as pointed out by Mr.Ajoy Khose, learned counsel appearing for the workman.

9.We are in agreement with the objections raised by the learned counsel



for the workman in this regard.

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10. Mr. Ajoy Khose, learned counsel for the workman also pointed out that the punishment of postponement of permanency by three years is not a punishment prescribed under the Regulation. Though the learned counsel may be right in making such a statement that the Management cannot invent a new punishment, which is neither in the regulations nor any bylaws, we refrain from rendering any further findings on this aspect, since the order of punishment is not under challenge before us.

11. Accordingly, this Writ Appeal stands dismissed. In view of the dismissal of the present Writ Appeal, the appellant / Transport Corporation shall forthwith comply with the order of the authority, within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(M.S.RAMESH J.) (R.SAKTHIVEL J.)
11-12-2025

ASI

Index : Yes/No
Speaking/Non-speaking order
Internet : Yes
Neutral Citation : Yes/No



To

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