



W.P No. 23569 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 23569 of 2022

and WMP.No. 22530 of 2022

The Management,
Metropolitan Transport Corporation,
Pallavaram Illam, Anna Salai,
Chennai-600002.

..Petitioner

Vs

The State President,
Nethaji Transport Workers Union,
No.18, Kollam Thottam,
Madhavaram Highways (North)
Peambur, Chennai-600011.

..Respondent

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed in I.D.No. 47 of 2018 dated 16.06.2022 on the file of III Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr. R. Balaji

For Respondent : Mr. C.D. Sugumar



W.P No. 23569 of 2022

WEB COPY

ORDER

The challenge in this writ petition is to the order dated 16.06.2022 passed by the III Additional Labour Court, Chennai, in I.D. No. 47 of 2018. By the said order, the Labour Court set aside the order dated 24.02.2015 passed by the petitioner-Corporation regularizing the services of the respondent-workman from 01.11.2014, and directed the petitioner-Corporation to regularize his services upon completion of 240 days of continuous service from the date of joining, i.e., 05.01.2008. The Labour Court further deferred the punishment period for one year and awarded consequential monetary benefits with continuity of service.

2. The respondent-Union raised a dispute under Section 2(k) of the Industrial Disputes Act, 1947 (hereinafter “the Act, 1947”), and the Government of Tamil Nadu, Labour and Employment Department, by order dated 10.01.2018, referred the dispute to the concerned Labour Court. Before the Labour Court, the respondent-Union contended that the workman had worked for more than 240 days from the date of joining duty and was therefore entitled to regularization upon completion of 240 days of continuous employment. However, the petitioner-Corporation regularized the services only with effect from 01.11.2014, which, according to the Union, was illegal and contrary to law.



W.P No. 23569 of 2022

3. The petitioner-Corporation entered appearance and denied the claim of the respondent-Union. It contended that regularization was based on seniority, attendance, and disciplinary record. It was further submitted that the workman had been punished on more than five occasions for misconduct, and therefore his services were rightly regularized only with effect from 01.11.2014.

4. Before the Labour Court, the respondent-Union marked documents as Exs. W1 to W10, whereas the petitioner-Management marked Exs. M1 to M5. After considering the evidence, the Labour Court passed the impugned order.

5. Learned counsel for the petitioner-Corporation submitted that Ex.M1, the attendance register of the workman for the period from January 2008 to 2015, clearly established that he had not worked for more than 240 days in the relevant year and therefore was entitled to regularization only after completion of 240 days in the preceding year. It was further submitted that the industrial dispute under Section 2(k) of the Act, 1947, was not maintainable since the competent authority to confer permanent status under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, is the Inspector designated under the said enactment. The learned counsel also argued that the workman, having been punished on several occasions for misconduct,



W.P No. 23569 of 2022

was rightly regularized from 01.11.2014. Hence, the impugned order was liable to be set aside.

6. In response, learned counsel for the respondent-Union submitted that the petitioner-Corporation, before the Labour Court, did not dispute the fact that the workman had been continuously employed for more than 240 days after joining duty on 05.01.2008. It was further submitted that the industrial dispute raised under Section 2(k) was maintainable since the workman had already been conferred permanent status, and the only dispute pertained to the date of such conferment. Therefore, the impugned order, having been passed based on evidence and being free from illegality, did not warrant interference.

7. The submissions of the learned counsel on either side and the materials placed on record have been duly considered.

8. It is an admitted position that before the Labour Court, the petitioner-Corporation took the stand that the workman was entitled to regularization based on seniority, attendance, disciplinary record and skill. Its further objection was that the workman had been punished on several occasions, and since the punishments were not challenged, conferment of permanent status with effect



W.P No. 23569 of 2022

from 01.11.2014 was justified. However, the petitioner-Corporation did not dispute the completion of 240 days of service by the workman. The Labour Court considered Ex.PW8 daily collection receipts filed by the workman which showed that he had been employed from 2008 to 2014 for a total of 1,737 days, clearly proving that he was in continuous employment for more than 240 days each year.

9. The petitioner-Corporation's objection that the workman was disentitled to regularization due to misconduct was rightly negated, as the alleged misconducts occurred only after conferment of permanent status, i.e., after 01.11.2014. The Labour Court also considered the contention that the workman ought to have approached the competent authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, and correctly rejected it on the ground that the workman had already been granted permanent status and the present dispute pertained only to the date of conferment.

10. The Labour Court, upon proper appreciation of the materials and evidence, has rightly passed the impugned order. In the absence of any perversity



W.P No. 23569 of 2022

or illegality, this Court finds no grounds to interfere with the same.

WEB COPY

11. In the result, the writ petition is dismissed as devoid of merits.

Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

14.11.2025

Index : Yes/No

Internet : Yes/No

ak



W.P No. 23569 of 2022

HEMANT CHANDANGOUDAR, J.

ak

W.P No. 23569 of 2022

14.11.2025