



WEB COPY



W.P.No.24626 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24626 of 2019

and

WMP.Nos.24282 of 2019 & 3126 of 2020

1. The State Bank of India,  
16, College Road, Chennai – 600 006,  
Rep. by its Chief General Manager.

2. The Deputy General Manager,  
State Bank of India,  
Zonal Office, Trichy – 1.

...Petitioners

Vs.

1. The Inspector of Labour – III,  
No.33, Venkatnarayana Road,  
Nandanam, Chennai – 600 035.

2. V.Manoharan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1<sup>st</sup> respondent in Conferment of Permanent Status Case No.Aa/2651/07 and quash its award dated 16.12.2013.



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For Petitioner : Mr.Anand Gopalan  
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.K.Surendran, AGP, for R1  
: Mr.K.M.Ramesh, Sr.C,  
for M/s.V.Sivaraman, for R2

### **ORDER**

This Writ petition has been filed challenging the award of the 1<sup>st</sup> respondent dated 16.12.2013 made in Conferment of Permanent Status Case No.Aa/2651/07.

2. The case of the petitioner is that the petitioner Bank is a Nationalised Bank having more than ten thousand branches throughout India and it has on its rolls officers and award staff and the award staff comprised of both clerical and sub staff. Appointments in the services of the petitioner bank is made as per the vacancies that may arise periodically and in case of absenteeism in respect of sub staff, the contingency which usually arise for employment is met with by resorting to casual engagement from outside the Bank on daily wages. In the Petitioner's branch at Thanjavur as there was no vacancy or sanctioned post of Electrician, for the purpose of



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carrying out the electrical repair work in the premises of the petitioner bank at Thanjavur, the 2<sup>nd</sup> respondent herein was awarded contract and the repair charges used to be paid to him. While so, alleging that the 2<sup>nd</sup> respondent had been working as Electrician cum General Assistant in the petitioner bank from 01.10.1980 and was employed on daily wages and that he had completed 480 days of continuous service in 24 calendar months, the 2<sup>nd</sup> respondent approached the 1<sup>st</sup> respondent under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act 1981 (in short 'Act'), seeking to confer his permanent status with effect from 01.10.1982, by way of filing an application bearing No.Aa/2651/2007, in which the petitioner bank filed an application seeking to take up the preliminary issue regarding the applicability of the said Act. However, the 1<sup>st</sup> respondent, vide order dated 27.11.2008 dismissed the said application and directed the petitioner bank to produce documents and proceed with the enquiry. Subsequently, vide impugned order dated 16.12.2013, the 1<sup>st</sup> respondent allowed the main case with an observation that the said order will come into effect only after the disposal of the Writ appeal filed by the petitioner in W.A.No.270 of 2013 as against the order of the learned Single Judge in W.P.No.4712 of 2009 dated 14.07.2011,

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confirming the order dated 27.11.2008. Challenging the same, the petitioners have come up with this writ petition.

3. Learned counsel for the petitioner corporation submitted that the 2<sup>nd</sup> respondent is a freelance contractor and whenever necessity arises for fitting electrical equipments, he was engaged and after completion of job, he raises bill and the same were settled then and there by the petitioner management. It is pertinent to note that, at no point of time, the petitioner management issued any appointment order in favour of the 2<sup>nd</sup> respondent and Nationalised Banks are exempted from the purview of the provisions of the Tamil Nadu Shops and Establishments Act and there is no post for Electrician in the petitioner's branch. In the absence of any sanctioned post for Electrician, filing application seeking permanent status that too from 01.10.1980 to 11.11.2007 alleging that, he was continuously engaged till 2007 and thereafter he was not engaged and the contract was given to one Rani Decoration is not sustainable. However, the 1<sup>st</sup> respondent, without considering any of the above said facts, allowed the application filed by the 2<sup>nd</sup> respondent and granted permanent status to the 2<sup>nd</sup> respondent, vide impugned order, solely on the basis of the bills and invoices raised by the

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2<sup>nd</sup> respondent which is not sustainable. Further, it is the duty cast upon the 2<sup>nd</sup> respondent to prove that there was a sanctioned post of Electrician in the petitioner bank and that he was engaged continuously for 480 days in two calendar years, which the 2<sup>nd</sup> respondent failed to do so. Even then, the 1<sup>st</sup> respondent granted permanent status to the 2<sup>nd</sup> respondent, which cannot be acceded to. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing on behalf of the 2<sup>nd</sup> respondent submitted that in order to prove that the 2<sup>nd</sup> respondent was in continuous employment of the petitioner for 480 days in two calendar years, the 2<sup>nd</sup> respondent marked several documents before the 1<sup>st</sup> respondent and the employees of the petitioner bank and the petitioner-management side witnesses also proved that the 2<sup>nd</sup> respondent was in continuous employment of the petitioner management for 480 days in twenty four (24) calendar months and the 1<sup>st</sup> respondent, after careful consideration of the oral and documentary evidences placed before it, held in favour of the 2<sup>nd</sup> respondent and granted permanent status in favour of the 2<sup>nd</sup> respondent, vide impugned order, which is perfectly in order and the same need not be interfered with. Accordingly, he prayed for dismissal of this Writ petition.



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5. On the above said contentions, heard learned Additional

WEB COPY Government Pleader appearing on behalf of the 1<sup>st</sup> respondent and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel on either side, in view of the fact that in respect of similarly situated persons, this Court had already granted compensation to the tune of Rs.2,00,000/- and that the 2<sup>nd</sup> respondent was continuously fighting with the petitioner management for the past two decades and at this distant point of time, directing the petitioner management to reinstate or to grant permanent to the 2<sup>nd</sup> respondent/workman will not be possible due to the strained relationship between the workman and the management and also taking into consideration the period of service rendered by the 2<sup>nd</sup> respondent, in order to strike balance between the parties, this Court is inclined to modify the order passed by the 1<sup>st</sup> respondent to the effect that the petitioner management shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) as one time settlement in full quit to the 2<sup>nd</sup> respondent/workman, within a period of four (4) weeks from the date of a receipt of a copy of this order, failing which, the above said compensation fixed by this Court will carry



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interest at the rate of 6% per annum from the date of filing the writ petition

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7. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

**23.04.2025**

skt

NCC : Yes / No  
Speaking Order : Yes / No  
Index : Yes / No

To

The Inspector of Labour – III,  
No.33, Venkatnarayana Road,  
Nandanam, Chennai – 600 035.

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**M.DHANDAPANI, J.**

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