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W.A.Nos.3397 and 3416 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

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

W.A.Nos. 3397 and 3416 of 2025
and C.M.P.Nos.27706 and 27925 of 2025

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.
No.1, Anna Salai

Appellant(s) in both WAs

Vs.

1. The Inspector of Labour
Kancheepuram

2.R.Parani Kumar
Driver -DU3464

Respondents in
WA.3397/2025

1. The Inspector of Labour
Kancheepuram

2.N.Murugesan
Conductor -CU 3045

Respondents in
WA.3416/2025

COMMON PRAYER

The Writ Appeals are filed under Clause 15 of the Letters Patent to set aside the order dated 27.01.2020 made in W.P.Nos.29149 and 29150 of 2017.

For Petitioner(s) Mr. A.Vinoth Raj
in both W.As



For Respondent(s)
in both W.As

Mr.K.Suresh
Government Advocate - R1

Mr. V.Ajay Khose for R2

COMMON JUDGMENT

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

The above Writ Appeals have been filed against the common order dated 27.01.2020 made in W.P.Nos.29149 and 29150 of 2017.

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

The 2nd respondents in the above Writ Appeals were appointed as a daily wage employees on 17.02.2011 and 26.03.2011 respectively, after being sponsored by the Employment Exchange. When they had sought conferment of permanent status under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, the 1st respondent authority had taken into account the salary slips paid to the workmen and had arrived at the conclusion that they had completed 480 days within the preceding 24 calender months, through its order dated 15.12.2014.

2.1. When the Management had challenged the orders of the authority before the Writ Court in W.P.Nos.29149 and 29150 of 2017, the Writ Petitions came to be dismissed on 27.01.2020, 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.)**

2.2. These orders of dismissal are assailed in the above Writ Appeals.

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 respondents in the above Writ Appeals, like the other staff members, were 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 respondents in the above Writ Appeals were subjected to disciplinary proceedings and a punishments were also imposed and therefore, the punishment of postponement of permanency, 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 respondents in the above Writ Appeals 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 when the punishment was imposed, the workmen 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, 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 workmen 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 override the procedure under the statute. When an authority under the Act records the fact of the 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 workmen who have complied 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 workmen were awarded with the punishment of postponement of permanency, which period ought to have been deducted while calculating the 480 days. However factually, when the punishment was imposed and by that time, the workmen had already completed 480 days, as



pointed out by Mr.Ajoy Khose, learned counsel appearing for the workmen.

9. We are in agreement with the objections raised by the learned counsel for the workmen in this regard.

10. Mr.Ajoy Khose, learned counsel for the workmen also pointed out that the punishment of postponement of permanency 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 bye-laws, we refrain from rendering any further findings on this aspect, since the order of punishment is not under challenge before us.

11. Accordingly, the above Writ Appeals stand dismissed. In view of the dismissal of above Writ Appeals, 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 Petitions are closed.

(M.S.RAMESH J.) (R.SAKTHIVEL J.)
19-11-2025

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



To

1. The Inspector of Labour
Kancheepuram

W.A.Nos.3397 and 3416 of 20:





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