



W.A.No.3220 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HON'BLE MR JUSTICE M.S. RAMESH

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

W.A.No.3220 of 2024

and C.M.P.No.24911 of 2024

S.Muthumallappa

..Appellant(s)

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation
(CBE) Limited
Erode Region
Chennimalai Road
Erode – 1

2.The Inspector of Labour
Authority under Tamil Nadu Industrial
Establishments (Conferment of Permanent Status
to workmen) Act, 1981 (Tamilnadu Act 46 of
1981)
Erode



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W.A.No.3220 of 2024

..Respondent(s)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to allow the present appeal and set aside the order dated 13.07.2025 in W.P.No.41989 of 2016 there by consequently direct the respondents to implement the order passed by the authority under conferment permanent status dated 11.02.2016 in Na.Ka.No.A/3472/2014 with all consequential benefits.

For Appellant(s): Mr.R.Jaikumar
for M/s.T.Fennwalter Associates

For Respondent(s): Mr.M.Murali Vinodh - R1

Mr.K.Suresh
Government Advocate - R2

ORDER

(Order of the Court was made by M.S.Ramesh, J.)

By an order dated 11.02.2016, the authority under the Tamil Nadu

Industrial Establishments (Conferment of Permanent Status to Workmen)



W.A.No.3220 of 2024

Act, 1981, had ordered that permanent status be accorded to the appellant herein on completion of 480 days continuous service. Both the workman as well as the Management had challenged the said order before the Writ Court in W.P.Nos.35414 and 41989 of 2016.

2.While the workman had sought for issuance of Writ of Mandamus for implementation of the order of the authority, the Management had challenged the Conferment of Permanent Status to him.

3.The learned Single Judge, had recorded a finding that qualifying in the regional language test is a pre-qualification for Conferment of Permanent Status Act, and since the workman had not completed the pre-requirement, had set aside the order of the authority by holding that Conferment of Permanent Status Act refers to “satisfactory completion of service” only, and the non passing of the Tamil language test would not amount to such subjective satisfaction.



W.A.No.3220 of 2024

WEB COPY

4.This Court had earlier called upon the learned counsel for the Transport Corporation to report as to when the Tamil test was conducted in the case of the workman concerned. In response, an affidavit has been filed before us, in which, it is stated that the Corporation is willing to conduct a separate exam in future in Tamil, to enable the workman to participate in the test. When we have specifically asked the learned counsel for the Corporation as to whether any Tamil Test was conducted after the concerned workman was initially appointed, he replied in the negative.

5.When the Transport Corporation themselves have not conducted any test, we fail to understand as to how the workman could have qualified himself. This aspect has not been addressed by the Writ Court. In these circumstances, the denial of the benefit of the order granting permanent



status, would be unjustifiable.

6.At this juncture, the learned Standing Counsel for the Transport Corporation submitted that they would conduct the Tamil test as expeditiously as possible, to enable the workman to take the test.

7.In light of the above observations and findings, the order passed in the Writ Petition in W.P.No.41989 of 2016 is set aside. Consequently, the respondent Transport Corporation / 1st respondent is called upon to implement the order passed in Na.Ka.No.A/3472/2014 dated 11.02.2016 within a period of two (2) weeks from the date of receipt of a copy of this order. After confirmation, the Transport Corporation shall conduct the necessary Tamil test within a period of three (3) months and permit the workman to take up the same.



W.A.No.3220 of 2024

WEB COPY

8.In the result, the Writ Appeal stands allowed. No costs.

Consequently, the connected C.M.P.No.24911 of 2024 is closed.

(M.S.R,J.) (R.S.V,J.)

05-12-2025

kas

Index; yes / no

Speaking / Non Speaking Order

Neutral Citation : Yes / No

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Page 6 of 8



WEB COPY



W.A.No.3220 of 2024

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

kas

W.A.No.3220 of 2024
and C.M.P.No.24911 of 2024



WEB COPY



W.A.No.3220 of 2024

05-12-2025