



WP(MD)No.5663 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.5663 of 2021 and
WMP(MD)No.4991 of 2021**

The Managing Director,
Ramanathapuram District Central Co-Operative Bank Ltd,
No.265 E, Vandikara Street,
Ramanathapuram. ...Petitioner

Vs

1.The Assistant Commissioner of Labour [Enforcement]
Authority under the Tamil Nadu Industrial Establishments
[Conferment of Permanent Status to Workmen] Act,
Ramanathapuram.

2.S.Indira ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for all records relating to the impugned order passed by the 1st respondent vide Na.Ka.No.A/166/2015, dated 06.03.2020 and quash the same.

For Petitioner : Mr.Shanmugaraja Sethupathi.D
For Respondent : Mr.C.Venkatesh Kumar,
No.1 Special Government Pleader
For Respondent : Mr.D.Malaichamy
No.2



WP(MD)No.5663 of 2021

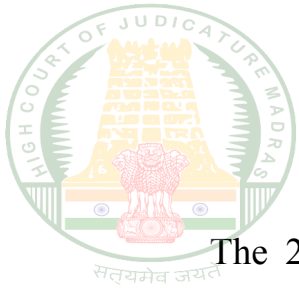
ORDER

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The District Central Co-Operative Bank Limited, Ramanathapuram has filed this writ petition as against the order dated 06.03.2020 passed by the 1st respondent under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act.

2.The 2nd respondent claiming to be the workman under the petitioner bank has filed a petition in the year 2015 before the 1st respondent under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act and the same was allowed by the 1st respondent by his order dated 06.03.2020.

3.The learned counsel for the petitioner submits that the 2nd respondent was engaged only as an apprentice in the year 1997 for a period of one year and she has not continued her service. There is no appointment order. However without any material, the 1st respondent has erroneously conferred the permanent status on the 2nd respondent. Even according to the 2nd respondent she had not worked from the year 2016.



WP(MD)No.5663 of 2021

The 2nd respondent has also raised an issue under Section 2A of the Industrial Disputes Act before the Conciliation Officer and it ended in failure. Thereafter this order has been passed in the year 2020 directing to grant permanent status to the 2nd respondent.

4.The learned counsel for the 2nd respondent submits that the 2nd respondent was engaged by the petitioner bank on 30.10.1997 and she was continuously working. Therefore, she has filed an application before the 1st respondent under the Act on 30.01.2015. On receipt of notice from the 1st respondent, the petitioner management has terminated the 2nd respondent from the work. Therefore, she has raised an dispute before the conciliation officer under Section 2A of the ID Act and the conciliation failed and failure report was also sent. However, in the proceedings before the 1st respondent under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, the 1st respondent has considered the dispute and has also granted relief in favour of the 2nd respondent.



WP(MD)No.5663 of 2021

WEB COPY

5.The learned counsel further submits that yet another person one Chitra Devi was also similarly terminated by the petitioner bank. She has filed an application before the 1st respondent and the same was allowed in her favour and as against that order of the 1st respondent dated 12.05.2009 a similar writ petition was filed by the petitioner bank in WP(MD)No.5377 of 2009 and the same was dismissed on 24.07.2009 and it became final. However the petitioner bank is agitating the issue as against this 2nd respondent alone. The learned counsel has also filed an additional typed set of papers of the documents pertaining to the 2nd respondent's service from the year 1997 till 2016 to substantiate her claim.

6.This court has considered the rival submissions made and also perused the materials placed on record.

7.From the records placed before this court, it appears that the 2nd respondent was engaged on 29.10.1997 only as an apprentice. However subsequent proceedings are placed before this court and marked before the 1st respondent that the 2nd respondent was allowed to continue to



WP(MD)No.5663 of 2021

work from the year 1997 to 2016. The 2nd respondent has filed an application under Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, before the 1st respondent in the year 2015. Thereafter the petitioner has not permitted the 2nd respondent to continue her service. The industrial dispute raised by the 2nd respondent under Section 2A of the ID Act also establishes the same. The 1st respondent has referred the documents as Exs.P.2,3,5 and 6 to 54. A similarly placed workman one Chitra Devi has also been terminated like the petitioner, the application filed by her seeking permanent status was allowed by the 1st respondent and the writ petition filed as against the order of the 1st respondent in WP(MD)No.5377 of 2009 was dismissed by order dated 24.07.2009 and it has been observed as under:

“4.This court had carefully considered the averments made by the learned counsel for the petitioner management and also perused the impugned order passed by the second respondent . The second respondent has taken into consideration of the documents produced on behalf of the first respondent, namely Exhibits 4, 6,8,10,12,14, 16,18,21,23,26, 27 as well as 28 and found that the first respondent is in continuous service under the



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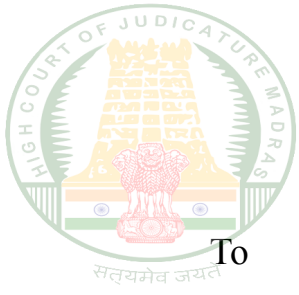
WP(MD)No.5663 of 2021

petitioner – management for about 12 years and the authenticity of the said documents have not been disputed. The second respondent also found that the benevolent provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1961 are applicable to the petitioner institution and the case of the first respondent squarely comes within the scope of Section 3 of the above said Act. Therefore, the second respondent on instructions and on appreciation of the materials available on record, has granted the benefit of permanent status to the first respondent.”

8. With the available materials this court is not inclined to interfere with the orders of the 1st respondent. Accordingly this petition is dismissed. No costs. Consequently connected miscellaneous petition is closed

09.09.2025

Index : Yes / No
DSK



WP(MD)No.5663 of 2021

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WEB COPY



WP(MD)No.5663 of 2021

B.PUGALENDHI.J.,

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WP(MD)No.5663 of 2021

09.09.2025