

WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

and

W.M.P.(MD)Nos.5016, 5023, 5026, 5032 and 5037 of 2021

W.P.(MD)No.6413 of 2021

The Executive Officer,
Kallukottam Town Panchayat,
Kallukottam,
Kanyakumari District.

... Petitioner

versus

1. The Authorized Officer/
Assistant Commissioner of Labour,
under the Tamil Nadu Industrial Establishment,
Conferment and Permanent Workman Act,
Nagercoil.

2. S.Bright Benjamin

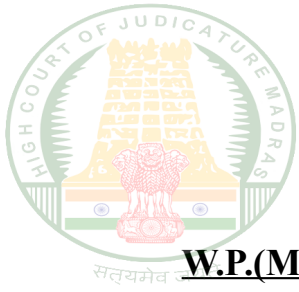
... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records
pertaining to the order passed by the 1st respondent in his proceedings in
Na.Ka.No.1287 of 2017 dated 28.02.2020 and quash the same as illegal.

For Petitioner : Mr.D.Muruganantham

For R1 : Mr.S.Vinodh,
Government Advocate

For R2 : No appearance



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

W.P.(MD)No.6418 of 2021

WEB COPY

The Executive Officer,
Kallukottam Town Panchayat,
Kallukottam,
Kanyakumari District.

... Petitioner

versus

1. The Authorized Officer/
Assistant Commissioner of Labour,
under the Tamil Nadu Industrial Establishment,
Conferment and Permanent Workman Act,
Nagercoil.

2. M.Yesudasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records
pertaining to the order passed by the 1st respondent in his proceedings in
Na.Ka.No.1287 of 2017 dated 28.02.2020 and quash the same as illegal.

For Petitioner : Mr.D.Muruganantham

For R1 : Mr.S.Vinodh,
Government Advocate

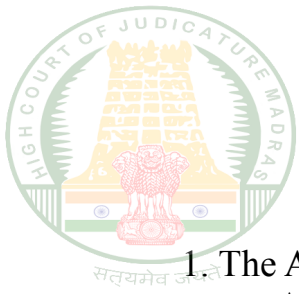
For R2 : No appearance

W.P.(MD)No.6420 of 2021

The Executive Officer,
Kallukottam Town Panchayat,
Kallukottam,
Kanyakumari District.

... Petitioner

versus



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

1. The Authorized Officer/
Assistant Commissioner of Labour,
under the Tamil Nadu Industrial Establishment,
Conferment and Permanent Workman Act,
Nagercoil.

2. G.Sundara Vadivel

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records
pertaining to the order passed by the 1st respondent in his proceedings in
Na.Ka.No.1287 of 2017 dated 28.02.2020 and quash the same as illegal.

For Petitioner : Mr.D.Muruganantham

For R1 : Mr.S.Vinodh,
Government Advocate

For R2 : No appearance

W.P.(MD)No.6425 of 2021

The Executive Officer,
Kallukottam Town Panchayat,
Kallukottam,
Kanyakumari District.

... Petitioner

versus

1. The Authorized Officer/
Assistant Commissioner of Labour,
under the Tamil Nadu Industrial Establishment,
Conferment and Permanent Workman Act,
Nagercoil.

2. X.Brutas Xavier

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

pertaining to the order passed by the 1st respondent in his proceedings in Na.Ka.No.1287 of 2017 dated 28.02.2020 and quash the same as illegal.

For Petitioner : Mr.D.Muruganantham
For R1 : Mr.S.Vinodh,
Government Advocate
For R2 : No appearance

W.P.(MD)No.6426 of 2021

The Executive Officer,
Kallukottam Town Panchayat,
Kallukottam,
Kanyakumari District.

... Petitioner

versus

1. The Authorized Officer/
Assistant Commissioner of Labour,
under the Tamil Nadu Industrial Establishment,
Conferment and Permanent Workman Act,
Nagercoil.

2. T.Sundaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the 1st respondent in his proceedings in Na.Ka.No.1287 of 2017 dated 28.02.2020 and quash the same as illegal.

For Petitioner : Mr.D.Muruganantham
For R1 : Mr.S.Vinodh,
Government Advocate
For R2 : No appearance



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

COMMON ORDER

WEB COPY

The Executive Officer of Kallukottam Town Panchayat has filed all these writ petitions, challenging the order passed by the first respondent in Na.Ka.No.1287 of 2017 dated 28.02.2020, in and by which, the first respondent/the Assistant Commissioner of Labour has conferred permanent status to the private respondents that they have been continuously working in the petitioner Town Panchayat for more than 480 days.

2. Today, when these writ petitions are taken up for hearing, there is no representation for the private respondents.

3. The learned counsel appearing for the petitioner submits that the Town Panchayat is a government body, governed under the Tamil Nadu District Municipalities Act and it will not fall within the definition of Industrial Establishments as defined under Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workman) Act. This issue has already been addressed by this Court in various Judgments that when the Town Panchayat is governed by a Special Law, the general law of Tamilnadu Industrial Establishments (Conferment of Permanent Status to



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

Workman) Act would not prevail and the Town Panchayat cannot be treated as an Industrial Establishment. In support of his contention, the learned counsel for the petitioner has also relied on the following Judgments:

(i) W.P.(MD)No.18955 of 2014, dated 18.12.2020 (The Management, Rep. by the Executive Officer, Uppidamangalam Town Panchayat, Karur vs. The Inspector of Labour, Karur and 3 others)

(ii) W.P.(MD)No.5411 of 2016, dated 05.04.2023 (P.Thangavel vs. The Director of Town Panchayats, Department of Town Panchayat, Kuralagam, Chennai and 2 others)

4. This Court considered the submissions made by the learned counsel for the petitioner and also perused the materials placed on record.

5. The second respondents have been engaged as contract workers in the year 1999 by the petitioner Town Panchayat on contract basis at Rs.65/- per day. The private respondents have filed writ petitions before this Court in W.P.(MD)Nos.8619, 9709, 9708, 9711 and 9710 of 2007 seeking regularization of their service and time scale of pay. The said writ petitions were disposed of with a direction to the Town Panchayat to consider the representation of the workers. The petitioner Town Panchayat rejected the



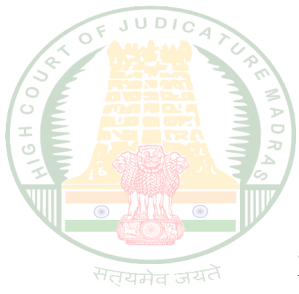
WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

request of the workers. Challenging the same, one of the private respondents filed another writ petition in W.P.(MD)No.10755 of 2007 before this Court and the same was dismissed by this Court by order dated 23.10.2013. Challenging the same, a writ appeal in W.A.(MD)No.1603 of 2008 was filed and the same was dismissed as withdrawn, by order dated 31.03.2015. Later, the private respondents have approached the first respondent for conferment of permanent status. The first respondent, by the impugned common order dated 28.02.2020, has conferred permanent status to the private respondents.

6. The issue before this Court is as to whether the Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workman) Act, will apply to the Town Panchayat.

7. This issue has already been answered by this Court in W.P. (MD)No.18955 of 2014 dated 18.12.2020 as under:

“This Court is of the considered opinion that the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, is a General Law. The Tamil Nadu District Municipalities Act as well as the Service Regulations to be constituted under the said Act are the Special laws.



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

WEB COPY

Thus, the Special Laws will prevail over the General Law and accordingly, the employees of the Town Panchayats across the State of Tamil Nadu are governed under the Special Law viz., Tamil Nadu District Municipalities Act and all other consequential Service Regulations as well as the Government Orders passed by invoking the power under the said Act as well as the Regulations.

The Special Law will prevail over the General law. The first respondent, thus, erroneously entertained the petition filed under the provisions of the Act. The appointments, regularization and permanent absorption are governed by the Statute as well as the Service Regulations as applicable to the Town Panchayats across the State.

8. In view of the same, all these writ petitions are allowed and the common order passed by the 1st respondent in his proceedings in Na.Ka.No. 1287 of 2017 dated 28.02.2020 is hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

16.09.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
ogy



WEB COPY



WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

B.PUGALENDHI,J.

ogy

WP(MD)Nos.6413, 6418, 6420, 6425 and 6426 of 2021

16.09.2025