



W.P.(MD) No.8457 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8457 of 2019
and
W.M.P.(MD) No.6629 of 2019

Tamil Nadu Tourism Development
Corporation Ltd.,
rep.by its General Manager T.Mohanraj
No.2, Walajah Road
Chennai-2

... Petitioner

-vs-

1.The Inspector of Labour
Thanjavur

2.B.Arunmozhi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the proceedings of the first respondent made in Na.Ka.No.CPS Petition No.1/2014, R.C.No.2604/14, dated 14.07.2016 and quash the same as illegal.



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For Petitioner : Mr.R.Murali

For Respondents : Mr.R.Ragavendran
Government Advocate for R1
Mr.L.George Paul Anto for R2

ORDER

The prime contention that is vehemently submitted by the learned counsel for the petitioner - Corporation is that the petitioner – Corporation will not come within the meaning of “Industrial Establishment” as defined under Clause (3) of Section 2 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Workmen) Act, 1981 (in short, “the Act, 1981”) and therefore, the impugned order dated 14.07.2016, passed by the first respondent, ordering the petitioner – Corporation to confer permanent status to the second respondent from the date on which he has completed 480 days of continuous service in 24 calender months, is liable to be set aside.

2. Though the learned counsel for the petitioner – Corporation made several submissions on factual aspects contending that the second respondent has not completed 480 days of continuous service in 24 calender months, this Court is convinced that the first respondent has deeply gone into



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the matter and recorded factual findings. The said factual findings cannot be gone into by this Court by exercising the certiorari jurisdiction under Article 226 of the Constitution of India and it is only in the event of the findings of the first respondent are found to be perverse or based on no evidence or without jurisdiction etc., this Court can entertain the writ petitions under certiorari jurisdiction. None of these circumstances subsists in this writ petition.

3. As rightly contended by the learned counsel for the second respondent, the very same issue has already been decided by the Coordinate Bench of this Court by order dated 18.07.2014 passed in W.P.Nos.28086 of 2011 etc., batch, wherein this Court has conclusively held that the petitioner – Corporation would come within the meaning of “Industrial Establishment” as defined under Clause (3) of Section 2 of the Act, 1981.

4. It is also brought to the notice of this Court by the learned counsel for the second respondent the said order dated 18.07.2014 passed in W.P.Nos.28086 of 2011 etc., batch has also been confirmed by the Honourable Division Bench of this Court by Judgment dated 09.12.2014 in W.A.No.1512 of 2014.



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5. In the light of the above, the prime contention of the learned counsel for the petitioner – Corporation cannot be accepted as the very same issue has already been answered by the Honourable Division Bench of this Court and hence, this Court does not find any error or illegality in the impugned order passed by the first respondent.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.02.2025

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

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To:
The Inspector of Labour,
Thanjavur.



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MUMMINENI SUDHEER KUMAR, J.

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