

W.P.(MD)Nos.4018 of 2017, etc.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	30.04.2025
Pronounced on	09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)Nos.4018 & 6516 of 2017,

1606, 6133, 10661, 10635, 24685 & 23086 of 2018,

861, 19384 & 19403 of 2019, 1217 of 2020

1451 of 2021, 2089, 27737, 27738 & 28765 of 2023,

21995 to 22010, 26578 to 26580, 27703, 27704 & 27923 of 2024

and

W.M.P.(MD)Nos.3205, 15687, 10480, 10481, 5107 of 2017,

1695, 5986, 20992, 22385, 22386, 9710, 9751 of 2018

693, 15826, 15848 of 2019, 987 of 2020, 1241 of 2021

1865, 23852, 23848, 24799 of 2023

18652, 18633, 18635, 18638, 18639, 18636, 18640, 18637, 18634, 18653, 18641, 18655,

18646, 18644, 18642, 18645, 22541, 22570, 22544, 23513, 23518 & 23680 of 2024

W.P.(MD)No.4018 of 2017:

The Executive Engineer,
TWAD Board,
Project Division,
(Ramanathapuram Combined Water Scheme),
Sivagangai.

...Petitioner

vs.

1.The Inspector of Labours,
Sivagangai.

2.C.Kannan

3.M.Velmurugan

<https://www.mhc.madras.gov.in/>



W.P.(MD)Nos.4018 of 2017, etc.,

4.P.Rajagopal

5.A.Rajkumar

6.S.Rajkumar

7.P.Albard Chandiyagu

8.B.Sasikumar

9.D.Ramalingam

10.M.Bharathi

11.P.Mohanraj

12.R.Saravanan

13.P.Raja

14.N.Poojai

15.S.RameshSubbu

16.D.Murugesan

17.K.Kaleeshwaran

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in A/1184/2014 dated 17.11.2016 and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.A.Hajamohideen, for R9
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R8, R10 to R17

W.P.(MD)No.6516 of 2017:

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

The Executive Engineer,
TWAD Board, Maintenance Division,
Ganesh Nagar, Opp. to Mattuthavani Bus Stand,
Madurai 625 007

...Petitioner

vs.

1.The Inspector of Labours,
Madurai.

2.Gurusarandos

3.Muthuveerapandi

4.Chinnasamy

5.Paulpandi

6.Mariyappan

7.Marimuthu

8.Gurunadhan

9.Muniyappan

10.Gopal

11.Velusamy

12.Karuppasamy

13.Babu

14.Renganadhan

15.Karuppaiah

16.Madhankumar

17.Thiruppathi

18.Perumal

19.Seenivasagan

20.Vanapperumal

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

- 21.Chinnasamy
22.Rathakrishnan
23.Anandharaj
24.Murugan
25.Muthukumar

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in E/3038/13 in CPS.No.60/13 to 75/13 and 116/13 (except CPS.No.61, 68, 69, 75, 121/13) dated .02.2017 (received on 01.03.2017) and quash the same.

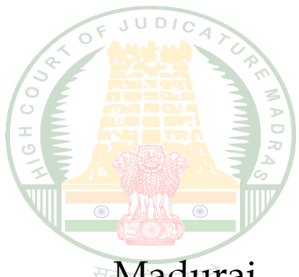
For Petitioner	:	Mr.AR.L.Sundaresan, Senior counsel, for Mr.B.Vijayakarthiskeyan
For Respondents	:	Mr.P.Thambidurai, Government Advocate, for R1 Mr.Balan Haridas, for Mr.S.Arunachalam, for R2 to R25

W.P.(MD)No.1606 of 2018:

The Executive Engineer,
TWAD Board, Maintenance Division,
Ganesh Nagar, Opp. to Mattuthavani Bus Stand,
Madurai 625 007

...Petitioner

vs.



W.P.(MD)Nos.4018 of 2017, etc.,

Madurai.

2.Aruleeswaran

3.Thamilan

4.Krishnaraja

5.Pandi

6.Selvaraj

7.Selvaradharaj

8.Deivaraj

9.Eswaran

10.Samayan

11.Seenivasan

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in E/1493/14 in CPS.No.1/14, 5/14 & 5/14 to 12/14 dated 22.09.2017 (received on 25.11.2017) and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R11

W.P.(MD)No.6133 of 2018:

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

The Executive Engineer,
TWAD Board, Maintenance Division,
Kovilpatti Thoothukudi District
(At present
The Executive Engineer,
TWAD Board, Project Division, Virudhunagar)

...Petitioner

vs.

1.The Inspector of Labours,
Viruthunagar.

2.R.Sonai Karuppaiah

3.P.Panjavarnam

4.A.Baskaran

5.D.Panja Manickam

6.S.Sivan Raja

7.P.Manapparai

8.K.Muthu Krishnan

9.R.Ilango

10.R.Suresh Kumar

11.Sundaram

12.P.Karmegam

13.G.Kannan

14.B.Muthu Ramalingam

15.S.Chellamuthu

...Respondents

Prayer:

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in A/838/2011 dated 31.10.2017 (received on 22.01.2018) and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R25

W.P.(MD)No.24685 of 2018:

1.The Executive Engineer,
TWAD Board, Rural Water Supply Division,
NRT Nagar, Theni

2.Assistant Executive Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni

3.Assistant Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni

...Petitioner

vs.

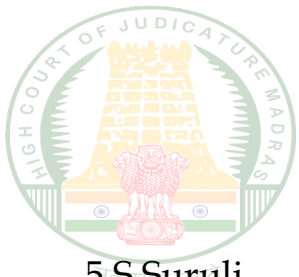
1.The Inspector of Labours,
Theni.

2.V.Srinivasagar

3.V.Ramasamy

4.T.Balamurugan

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

5.S.Suruli

6.R.Sudhakar

7.R.Muthu

8.R.Marimuthu

9.P.Kumaresan

10.O.Murugaazhlg

11.M.Raja

12.M.Mahendran

13.M.Senthamizhselvam

14.K.Selvakumar

15.K.Kalyanikumar

16.C.Pandi

17.A.Raja

18.A.Pitchaimani

19.A.Muhaideen Pitchai Masdhari

20.D.Pandi

21.K.Suriliraj

22.S.Allavudin

23.P.Ramesh

24.P.Murugesan

25.S.Duraipandi

26.A.Chandirasekar

27.V.Gunasekaran

28.V.Radhakrishnan

29.B.Rajavelu

30.R.Rajeshkumar

<https://www.mpc.judis.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

31.D.Arunkumar

32.N.Vivek

33.P.Pitchai

34.A.Kumaresan

35.P.Selvam

36.P.Arikesan

37.M.Muthukumar

38.P.Ramkumar

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Petition Nos.37 of 2014 to 84 of 2014 (except petition No.46, 53, 57, 59, 62, 65, 70, 71, 80, 64 & 58 of 2014) dated 27.09.2018 (received on 18.10.2018) and only with respect to the labours, who are made as respondents 2 to 37 herein and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

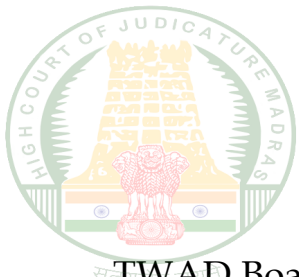
For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R38

W.P.(MD)No.10661 of 2018:

1.The Executive Engineer,
TWAD Board, Maintenance Division,
43, Anna Nagar, Dindugal

2.Assistant Executive Engineer,

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

सर्वोच्च न्यायालय
TWAD Board, Maintenance Division I,
M.V.M.Nagar, Old Karur Road, Dindugal
3.Assistant Executive Engineer,
TWAD Board, Maintenance Division II,
M.V.M.Nagar, Old Karur Road, Dindugal

4.Assistant Engineer,
TWAD Board, Maintenance Division I,
M.V.M.Nagar, Old Karur Road, Dindugal

5.Assistant Engineer,
TWAD Board, Maintenance Division II,
M.V.M.Nagar, Old Karur Road, Dindugal

...Petitioner

vs.

1.The Assistant Commissioner of Labours (Enforceable),
Dindugal

2.J.Dheenathayalan

3.P.Viyazhan

4.S.Periyasamy

5.A.Kumar

6.V.Manimuthu

7.P.Alagarsamy

8.P.Veerakumar

9.G.Marikkannu

10.K.Kamaladasan

11.P.Ramakrishnan

12.M.Moorthi

13.M.Alagarsamy

14.K.Murugan

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

15.R.Natarajan

16.R.Nagarajan

17.A.Shanmugam

18.T.Ganesan

19.M.Venkatesan

20.S.M.Murugesan

21.P.Magesh

22.K.Balamurugan

23.S.Palanisamy

24.K.Gopikumar

25.S.Nagendran

26.E.Eswaran

27.V.Ganapathi

28.B.Masilamani

29.P.Ramesh

30.N.Sambasivam

31.S.Panneerselvam

32.E.Vasanthakumar

33.C.Ashokkumar

34.A.Sendhilkumar

35.R.Kartheeswaran

36.A.Karthikeyan

37.T.Ramaraj

38.M.Kanagaraj

39.P.Mahakavikalidass

40.P.Thangavel

<https://www.mpc.mil.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

41.R.Vellaiyappan

42.D.Saravanakumar

43.S.Murugan

44.P.Sakthivel

45.K.Sugadevarangan

46.K.Madhankumar

47.M.Murugan

48.S.Prabu

49.S.Agaramuthu

50.P.Ramesh

51.K.Murugan

52.N.Murugesan

53.K.Sangilimurugan

54.S.Ramaraj

55.S.Yuvaraja

56.R.Thangavel

57.P.Muthukaluvan

58.A.Johnmariasosai

59.S.Chokkan

60.B.Nachimuthu

61.Muthuvadivel

62.J.A.Ashokkumar

63.A.Mariyasebasthiyan

64.L.Pitchaimuthu

65.M.Muthuvel

66.N.Murugan

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

67.P.Muthuvel

68.A.Balamurugan

69.R.Gopinathan

70.K.Malaiyalan

71.R.Palanichamy

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Pa.Ni.Sa.Va.02/2016 dated 09.04.2018 (received on 17.04.2018) and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R71

W.P.(MD)No.10635 of 2018:

1.J.Dheenathayalan

2.P.Viyazhan

3.S.Periyasamy

4.A.Kumar

5.V.Manimuthu

6.P.Alagarsamy

7.P.Veerakumar

8.G.Marikkannu

<https://www.mhctn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

9.K.Kamaladasan

10.P.Ramakrishnan

11.M.Moorthi

12.M.Alagarsamy

13.K.Murugan

14.R.Natarajan

15.R.Nagarajan

16.A.Shanmugam

17.T.Ganesan

18.M.Venkatesan

19.S.M.Murugesan

20.P.Magesh

21.K.Balamurugan

22.S.Palanisamy

23.K.Gopikumar

24.S.Nagendran

25.E.Eswaran

26.V.Ganapathi

27.B.Masilamani

28.P.Ramesh

29.N.Sambasivam

30.S.Panneerselvam

31.E.Vasanthakumar

32.C.Ashokkumar

33.A.Sendhilkumar

34.R.Kartheeswaran

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

35.A.Karthikeyan

36.T.Ramaraj

37.M.Kanagaraj

38.P.Mahakavikalidass

39.P.Thangavel

40.R.Vellaiyappan

41.D.Saravanakumar

42.S.Murugan

43.P.Sakthivel

44.K.Sugadevarangan

45.K.Madhankumar

46.M.Murugan

47.S.Prabu

48.S.Agaramuthu

49.P.Ramesh

50.K.Murugan

51.N.Murugesan

52.K.Sangilimurugan

53.S.Ramaraj

54.S.Yuvaraja

55.R.Thangavel

56.P.Muthukaluvan

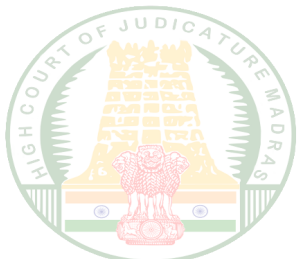
57.A.Johnmariasosai

58.S.Chokkan

59.B.Nachimuthu

60.Muthuvadivel

<https://www.mhctn.gov.in/judis/>



W.P.(MD)Nos.4018 of 2017, etc.,

61.J.A.Ashokkumar

62.A.Mariyasebasthiyan

63.L.Pitchaimuthu

64.M.Muthuvel

65.N.Murugan

66.P.Muthuvel

67.A.Balamurugan

68.R.Gopinathan

69.K.Malaiyalan

70.R.Palanichamy

...Petitioner

vs.

1.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Maintenance Division, 43, Anna Nagar,
Dindugal 642 005

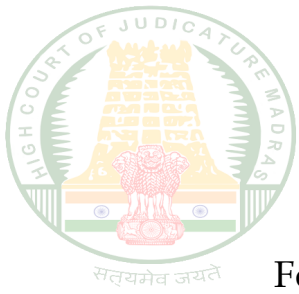
2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD),
31, Kamarajar Salai,
Chepauk, Chennai.

3.The Assistant Commissioner of Labour,
Dindugal District, Dindugal

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to implement the award dated 09.04.2018 in Pa.Ni.Sa.Va.No.02/2016 passed by the 3rd respondent within time frame as may be fixed by this Court.



W.P.(MD)Nos.4018 of 2017, etc.,

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For Petitioner

: Mr.Balan Haridas,
for Mr.S.Arunachalam

For Respondents

: Mr.P.Thambidurai,
Government Advocate, for R3
Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan
for R1 & R2

W.P.(MD)No.23086 of 2018:

- 1.V.Srinivasagar
- 2.V.Ramasamy
- 3.T.Balamurugan
- 4.S.Suruli
- 5.R.Sudhakar
- 6.R.Muthu
- 7.R.Marimuthu
- 8.P.Kumaresan
- 9.O.Murugaazhlgau
- 10.M.Raja
- 11.M.Mahendran
- 12.M.Senthamizhselvam
- 13.K.Selvakumar
- 14.K.Kalyanikumar
- 15.C.Pandi
- 16.A.Raja
- 17.A.Pitchaimani



W.P.(MD)Nos.4018 of 2017, etc.,

18.A.Muhaideen Pitchai Masdhari

19.D.Pandi

20.K.Suriliraj

21.S.Allavudin

22.P.Ramesh

23.P.Murugesan

24.S.Duraipandi

25.A.Chandirasekar

26.V.Gunasekaran

27.V.Radhakrishnan

28.B.Rajavelu

29.R.Rajeshkumar

30.D.Arunkumar

31.N.Vivek

32.P.Pitchai

33.A.Kumaresan

34.P.Selvam

35.P.Arikesan

36.M.Muthukumar

37.P.Ramkumar

...Petitioner

vs.

1.The Executive Engineer,
TWAD Board, Rural Water Supply Division,
NRT Nagar, Theni



W.P.(MD)Nos.4018 of 2017, etc.,

2. Assistant Executive Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni

3. Assistant Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni

4. The Assistant Commissioner of Labour,
(Former Inspector of Labour and Authority under the CPS Act, 1981),
Theni District.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to to direct the 1st respondent to implement the award dated 27.09.2018 in Petition No.37/2004 to 84/2014 passed by the 4th respondent within the time frame as may be fixed by this court.

For Petitioner : Mr.Balan Haridas,
for Mr.S.Arunachalam

For Respondents : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarhikeyan
for R1 to R3
Mr.P.Thambidurai,
Government Advocate, for R4

W.P.(MD)No.861 of 2019:

The Executive Engineer,
TWAD Board, Rural Water Supply Division,
NRT Nagar, Theni.

...Petitioner



W.P.(MD)Nos.4018 of 2017, etc.,

1.The Inspector of Labours,
Theni.

2.R.Kannan

3.K.Selvam

4.S.Sankar

5.K.Thangapandi

6.A.Andisamy

7.V.Madasamy

8.Vairamani

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in petition No.1016/2013, 1017/2013, 1294/2013, 1364/2013 & 1366/2013 dated 15.11.2018 (received on 26.11.2018) and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
R2 to R8 – unserved

W.P.(MD)No.19384 of 2019:

The Executive Engineer,
TWAD Board, Rural Water Supply Division,
Sivagangai.

...Petitioner



W.P.(MD)Nos.4018 of 2017, etc.,

1.The Assistant Commissioner of Labours (Enforceable),
Sivagangai

2.P.Thiruvvaraj

3.M.Rajkumar

4.S.Anthonisamy

5.P.Rajagopal

6.K.Arulselvan

7.M.Ramar

8.P.Gurumaran

9.K.Nagalingam

10.V.Ravichandran

11.T.Anandh

12.S.Jeevanantham

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in AA/1551/2016 dated 08.03.2019 (received on 23.07.2019) and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R3, R5 to R10 & R12
R2, R4 & R11 - Service awaited



W.P.(MD)Nos.4018 of 2017, etc.,

The Executive Engineer,
TWAD Board, Rural Water Supply Division,
Sivagangai.

...Petitioner

vs.

1.The Assistant Commissioner of Labours (Enforceable),
Sivagangai

2.P.S.Ramanathan

3.M.Veerapathiran

4.K.Nagaraj

5.N.Kumaran

6.B.Kamraj

7.R.Velmurugan

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in AA/1553/2016 dated 08.03.2019 (received on 23.07.2019) and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarhikeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R7

W.P.(MD)No.1217 of 2020:
<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

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1.R.Kannan

2.K.Selvam

3.S.Sankar

4.K.Thangapandi

5.A.Andisamy

6.V.Madasamy

7.Vairamani

...Petitioner

vs.

1.The Inspector of Labours,
(now designated as Assistant Commissioner of Labour)
Theni.

2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Chepauk, Chennai.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Maintenance Division, Office of the Chief Engineer,
Madurai Region, Ganesh Nagar, Madurai 7.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to comply with the order of the 1st respondent dated 15.11.2018 passed in Petition No.1016, 1017, 1294, 1295, 1364, 1365 & 1366 of 2013 and to give the petitioner wages and other consequential benefits payable for the permanent employees from the dates on which, they attained permanent status as per the order of 1st respondent within a time frame as may be fixed by this Court.

<https://www.mhc.tn.gov.in/judis> For Petitioner : Mr.Balan Haridas,



W.P.(MD)Nos.4018 of 2017, etc.,

for Mr.S.Arunachalam

WEB COPY

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan
for R2 & R3

W.P.(MD)No.1451 of 2021:

- 1.The Managing Director,
TWAD Board, No.31, Kamarajar Salai,
Chepauk, Chennai 600 005
- 2.The Executive Engineer,
TWAD Board, RWS Division,
No.20, Cave Road, Nagercoil,
Kanyakumar District.

...Petitioner

vs.

- 1.The Assistant Commissioner of Labours (Enforcement),
Nagercoil
- 2.D.Aneesh
- 3.C.Selvadas
- 4.R.Ratheesh
- 5.S.Anish
- 6.M.Kala
- 7.N.V.Suresh
- 8.R.Rajarathinam
- 9.T.S.Reji
- 10.K.Pradeep
- 11 S.Premalatha

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W.P.(MD)Nos.4018 of 2017, etc.,

12.S.N.Praveen Babu

13.K.Saravanan

14.M.Regukrishnan

15.R.Godwin C.Raj

16.S.Somraj

17.P.Beulalindi

18.N.Joshpinreji

19.A.Srikala

20.S.R.Krishnakumar

21.N.Satheesh

22.D.JohnJeban

23.C.P.Pradheesh

24.P.Sreedevi

25.J.Maria Arputham

26.E.Selvakumar

27.B.Venkadesh

28.G.Rajeshwari

29.S.Suresh

30.M.Anandh

31.S.Suthir

32.P.Christopher

33.D.Kumar

34.S.Srinathan

35.S.Stalin

36.S.Srijith

37.T.Mohanraj

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W.P.(MD)Nos.4018 of 2017, etc.,

38.G.Shaji

39.M.Retheeshkumar

40.A.Sundaraswamikarnan

41.S.Lakshmiganthan

42.P.Singaran

43.T.Ashok Kumar

44.S.Theivaswami

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings bearing Na.Ka.No.1007 of 2013 dated 12.11.2020 and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarhikeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R41

None appeared for R42 & R43

R44 - Died

W.P.(MD)No.2089 of 2023:

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W.P.(MD)Nos.4018 of 2017, etc.,

WEB COPY

1.The Executive Engineer,
TWAD Board, Rural Water Supply Division,
NRT Nagar, Theni

2.Assistant Executive Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni

3.Assistant Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni

...Petitioner

vs.

1.The Assistant Commissioner of Labours,
Theni.

2.K.Murugan

3.M.Chinnamani

4.P.Eswaran

5.U.Muthuvel

6.O.Sakaravathi

7.B.Kaliswaran

8.P.Senthilkumar

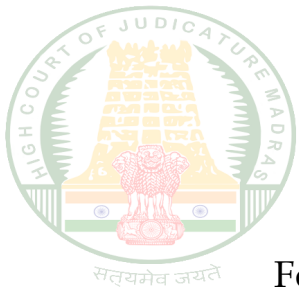
9.Ramakrishnan

10.V.Pugalenth

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 28.11.2022, made in CPS.No.2100 to 2111 of 2018, on the file of the 1st respondent/The Assistant Commissioner of Labour, Theni and quash the same.



W.P.(MD)Nos.4018 of 2017, etc.,

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For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R2 to R10

W.P.(MD)No.28765 of 2023:

1.The Managing Director,
TWAD Board,
31, Kamarajar Salai, Cherpauk,
Chennai 600 005

2.The Executive Engineer,
TWAD Board,
Village Drinking Water Planning Division,
No.20, GAP Road, Nagercoil

...Petitioner

vs.

- 1.S.Stalin
- 2.C.Gilbert
- 3.M.Aruldas
- 4.G.Vinu
- 5.S.Austin
- 6.D.Bibin
- 7.T.Haji Thomas
- 8.Ajis
- 9.D.Shampu

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W.P.(MD)Nos.4018 of 2017, etc.,

- 10.S.Anis
- 11.A.Subha
- 12.J.M.Brito Jerosmis
- 13.P.L.Shiba
- 14.N.M.Viji
- 15.M.Sathish Krishnan
- 16.T.Srikumar
- 17.P.Poncharlas
- 18.K.G.Krishnakumar
- 19.J.Robert Sathu Singh
- 20.R.Bobins Raj
- 21.M.Sharjin
- 22.Y.Antony
- 23.K.Inthumathi
- 24.J.Jebamanidas
- 25.The Assistant Commissioner of Labour,
Nagercoil

...Respondents

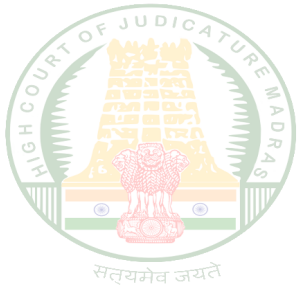
Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 04.10.2023 made in Na.Ka.No.672 of 2017 on the file of the Assistant Commissioner of Labour, Nagarcoil and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R25
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R1 to R9, R11 to R23

None appeared for R10 & R24



W.P.(MD)Nos.4018 of 2017, etc.,

W.P.(MD)No.27737 of 2023:

The Executive Engineer,
TWAD Board (Ramanathapuram Cauvery Combined Water Scheme),
CWSS Division, Ramanathapuram

...Petitioner

vs.

1.Arokiyasami

2.M.Thirukumar

3.J.Robert

4.S.Joseph

5.M.Kaviyarasan

6.S.Gandhi

7.S.Palanivel

8.P.Balamurugan

9.M.Aravidhraj

10.R.Muruganandham

11.R.Muthuvel

12.R.Prasath

13.I.Ilango

14.N.Baskaran

15.The Assistant Commissioner of Labour,
Ramanathapuram

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to
issue a Writ of Certiorari, to call for the records relating to the impugned order

<https://www.imc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

dated 27.07.2023 made in Na.Ka.No.Aal. in C.P.No.1190 of 2016 on the file of the Assistant Commissioner of Labour, Ramanathapuram and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,
Government Advocate, for R15
Mr.Balan Haridas,
for Mr.S.Arunachalam,
for R1 to R4, R6 to R9 & R11 to R14
R5 – unserved
R10 – Service Awaited

W.P.(MD)No.27738 of 2023:

The Executive Engineer,
TWAD Board (Ramanathapuram Cauvery Combined Water Scheme),
CWSS Division, Ramanathapuram

...Petitioner

vs.

- 1.V.Ganesan
- 2.I.Maridas
- 3.R.Prabakaran
- 4.M.Rajendran
- 5.M.Jeevanandham
- 6.S.Murugavel
- 7.S.Premananthan
- 8.M.Kumaresan
- 9.A.Mahendran
- 10.S.Illayaraja

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

11.R.Chinnasamy

12.S.Saravanan

13.K.Ponnusami

14.P.Prabhu

15.M.Jeyaraman

16.S.Govindharaj

17.K.Thillai Chandhiran

18.J.Barathidhasan

19.T.Alaguraja

20.K.Ravichandran

21.K.Boomi

22.N.Packiyaraj

23.R.Balamurugan

24.A.Vijayakumar

25.The Assistant Commissioner of Labour,
Ramanathapuram

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 27.07.2023 made in Na.Ka.No.Aa in CP.No.1189 of 2016 on the file of the Assistant Commissioner of Labour, Ramanathapuram and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,

Senior counsel,

for Mr.B.Vijayakarthiskeyan

For Respondents : Mr.P.Thambidurai,

Government Advocate, for R25

Mr.Balan Haridas,

for Mr.S.Arunachalam,

for R1, R3 to R22 & R24

None appeared for R2 & R23



W.P.(MD)Nos.4018 of 2017, etc.,

W.P.(MD)Nos.21995 to 22010 of 2024:

The Executive Engineer,
TWAD Board, Rural Water Division,
NRT Nagar, Theni

...Petitioner in all petitions

vs.

1.The Assistant Commissioner of Labour,
Theni.

2.A.Arul Prakash

...Respondents in W.P.No.21995 of 2024

1.The Assistant Commissioner of Labour,
Theni.

2.D.Raja

...Respondents in W.P.No.21996 of 2024

1.The Assistant Commissioner of Labour,
Theni.

2.P.Arivalakan

...Respondents in W.P.No.21997 of 2024

1.The Assistant Commissioner of Labour,
Theni.

2.S.Kanivasakan

...Respondents in W.P.No.21998 of 2024

1.The Assistant Commissioner of Labour,
Theni.

2.P.Murugan

...Respondents in W.P.No.21999 of 2024

1.The Assistant Commissioner of Labour,
Theni.

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

2.S.Theivendran

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1.The Assistant Commissioner of Labour,
Theni.

2.S.Arujunan

1.The Assistant Commissioner of Labour,
Theni.

2.C.Surendrapandiyan

1.The Assistant Commissioner of Labour,
Theni.

2.N.Kesavan

1.The Assistant Commissioner of Labour,
Theni.

2.A.V.Malaivasan

1.The Assistant Commissioner of Labour,
Theni.

2.V.Dhamotharan

1.The Assistant Commissioner of Labour,
Theni.

2.K.Saravanakumar

1.The Assistant Commissioner of Labour,
Theni.

2.S.Pradeep Durai

...Respondents in W.P.No.22000 of 2024

...Respondents in W.P.No.22001 of 2024

...Respondents in W.P.No.22002 of 2024

...Respondents in W.P.No.22003 of 2024

...Respondents in W.P.No.22004 of 2024

...Respondents in W.P.No.22005 of 2024

...Respondents in W.P.No.22006 of 2024

...Respondents in W.P.No.22007 of 2024



W.P.(MD)Nos.4018 of 2017, etc.,

1.The Assistant Commissioner of Labour,
Theni.

2.T.Thirupathi Kumar

...Respondents in W.P.No.22008 of 2024

1.The Assistant Commissioner of Labour,
Theni.

2.V.Sasikumar

...Respondents in W.P.No.22009 of 2024

1.The Assistant Commissioner of Labour,
Theni.

2.K.Mahadevan

...Respondents in W.P.No.22010 of 2024

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 27.06.2024 made in C.P.No.1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339 & 1340 of 2021, 314, 315 & 316 of 2022 on the file of the Assistant Commissioner of Labour, Theni and quash the same.

For Petitioner

in all petitions :

Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents

in all petitions :

Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam, for R2



W.P.(MD)Nos.4018 of 2017, etc.,

W.P.(MD)Nos.27703, 27704 & 27923 of 2024:

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The Executive Engineer,
TWAD Board, Rural Water Supply Division,
Ramanathapuram District Combined Cauvery Drinking Water Scheme,
Sivagangai

...Petitioner in all petitions

vs.

1.The Assistant Commissioner of Labours,
Sivagangai District,
No.61/186, Sivagangai Collector Office,
Maha Scheme Complex, Arasinipatti Road,
Kanjirangal, Sivagangai 630 562

2.A.Packiaraj

...Respondents in W.P.No.27703 of 2024

1.The Assistant Commissioner of Labours,
Sivagangai District,
No.61/186, Sivagangai Collector Office,
Maha Scheme Complex, Arasinipatti Road,
Kanjirangal, Sivagangai 630 562

2.A.Nagachandru

...Respondents in W.P.No.27704 of 2024

1.The Assistant Commissioner of Labours,
Sivagangai District,
No.61/186, Sivagangai Collector Office,
Maha Scheme Complex, Arasinipatti Road,
Kanjirangal, Sivagangai 630 562

2.R.Mahendran

...Respondents in W.P.No.27923 of 2024

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in AA/568/2020, AA/639/2020, AA/651/2021 dated 14.10.2024 and quash the same.

<https://www.rmc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

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For Petitioner

in all petitions :

Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents

in all petitions :

Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam, for R2

W.P.(MD)Nos.26578 to 26580 of 2024:

The Executive Engineer,
TWAD Board, Maintenance Division,
No.7, Ganesh Nagar, Madurai

...Petitioner in all petitions

vs.

1.The Assistant Commissioner of Labours,
Madurai

2.C.Suresh

...Respondents in W.P.No.26578 of 2024

1.The Assistant Commissioner of Labours,
Madurai

2.P.Virumandi

...Respondents in W.P.No.26579 of 2024

1.The Assistant Commissioner of Labours,
Madurai

2.R.Sundaramoorthi

...Respondents in W.P.No.26580 of 2024



W.P.(MD)Nos.4018 of 2017, etc.,

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 23.09.2024 made in C.P.S.No.11, 14 & 15 of 2021 on the file of the 1st respondent and quash the same.

For Petitioner
in all petitions : Mr.AR.L.Sundaresan,
Senior counsel,
for Mr.B.Vijayakarthiskeyan

For Respondents
in all petitions : Mr.P.Thambidurai,
Government Advocate, for R1
Mr.Balan Haridas,
for Mr.S.Arunachalam, for R2

COMMON ORDER

The writ petitions in W.P.(MD)Nos.10635 & 23086 of 2018 and W.P.(MD)No. 1217 of 2020 are filed to direct the concerned respondents to implement the respective awards. All the other writ petitions have been filed to quash the impugned orders passed by the respective Inspector of Labours/Assistant Commissioner of Labours on various dates as mentioned therein.

2. For the sake of brevity, convenience and better understanding, “the petitioner-Tamil Nadu Water Supply and Drainage Board” shall be referred to as “TWAD Board” and “the 1st respondent-The Inspector of Labours” shall be referred



W.P.(MD)Nos.4018 of 2017, etc.,

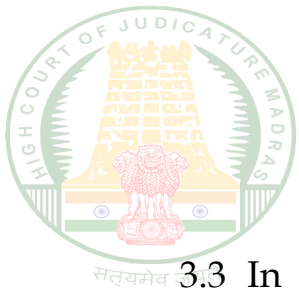
to as “Labour Inspector” and the “respondents 2 to 17” shall be referred to as “workers”.

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3. TWAD Board's submission:

3.1 Mr.AR.L.Sundaresan, learned Senior counsel appearing for the TWAD Board would submit that the TWAD Board have mainly engaged in the work of supplying water to the people and also to provide drainage schemes to maintain a clean environment and it has its own Rules and Regulations for the appointment of employees. In fact, the appointment of any employee has to be endorsed by a Standing Committee constituted for the said purpose. Thus, the TWAD Board has to refer the vacancy of the post to the local employment exchange and if it is not able to do so, it has to make publications in local daily.

3.2 Further, the TWAD Board has also prescribed education qualification for various posts. In matters, where the urgency is warranted in execution of specific works, the Board will enter into a contract with any Contractor in order to execute the said work. Accordingly, the TWAD Board has several places entrusted the maintenance work to the Contractor. The Contractor will employ the contract labours in order to execute the work.



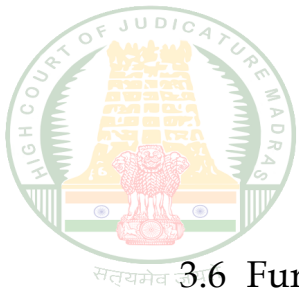
W.P.(MD)Nos.4018 of 2017, etc.,

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3.3 In such a specific circumstances, at Sivagangai Maintenance Division, where maintenance work of Ramnad Combined Water Scheme was entrusted to the Contractor. The period of contract is only for 11 months. Thus, the contract will change from time to time by entering into new contracts now and then. When that being so, the labours, who were employed by such Contractors in various projects, has approached the Labour Inspector to give permanent status to their employment.

3.4 Further, the TWAD Board has engaged the Contractors on different period of time from 2010 onwards. Once the work was completed, the maintenance of Scheme was entrusted to a different Contractor only after a span of time. However, without even considering this aspect, the Labour Inspector has wrongly concluded that the Workers had worked continuously for a period of 480 days, which is misconception of fact.

3.5 As per the provisions of the Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, (hereinafter called as “1981 Act”), the TWAD Board will not come within the definition of an employer and thus, it is clear that the Labour Inspector has also misconstrued that the TWAD Board falls within the provisions of the 1981 Act.



W.P.(MD)Nos.4018 of 2017, etc.,

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3.6 Further, he would submit that there is no continuity of work by the Workers and they were engaged by different contractors at different point of time. That apart, the Labour Inspector does not have any power to pass the impugned order as per the provisions of the 1981 Act.

3.7 He would also submit that the TWAD Board does not come within the purview of the provisions of the 1981 Act. However, the Labour Inspector had mechanically held that the provisions of the both the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and the Tamil Nadu Shops and Establishment Act, 1947, would apply to the TWAD Board. The Labour Inspector had failed to provide any reasons as to how the TWAD Board was brought within the purview of both the Acts. Therefore, he would contend that the Labour Inspector, without application of mind and without referring any documentary proof, had fixed the working period of workers as 480 days from the date of their appointment.

3.8 The impugned order was passed based on the oral evidence of the Workers, which shows that the Labour Inspector had decided without application of mind. Further, he would reiterate that the TWAD Board does not have any direct



W.P.(MD)Nos.4018 of 2017, etc.,

contact with the Workers. Even the TWAD Board does not maintain any attendance register and it is only the verification register of TWAD Board for the contractors, which has been misconstrued by the Labour Inspector as the attendance register.

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3.9 That apart, the TWAD Board has not provided any appointment orders or removal orders and any other orders relating to the Workers so far. However, without considering all these aspects, the Labour Inspector had mechanically passed the impugned order.

3.10 The learned Senior counsel has referred the order dated 29.11.2019 passed by this Court in *W.P.No.4723 of 2013* wherein, it was categorically held that the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 will not apply to TWAD Board since the TWAD Board Act is a Special Act and the the aforesaid Act is general in nature. The said judgment was followed by the Hon'ble Single Judge of this Court in *W.P.(MD)Nos.9265, 10458 and 10463 of 2013*. Therefore, he would submit that the aforesaid judgments are binding in nature, thus, he requests this Court to consider the same to the present cases.

3.11 That apart, he referred the judgment of Hon'ble First Bench rendered in

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W.P.(MD)Nos.4018 of 2017, etc.,

Superintending Engineer vs. Inspector of Labour reported in 2022 SCC OnLine Mad
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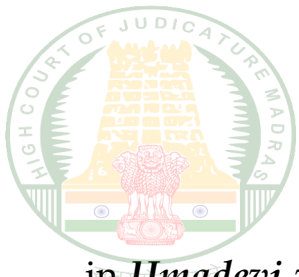
1003 wherein it was held that the Labour Inspector will not have any power for passing orders with regard to the conferment of permanent status.

3.12 In the present case, the learned Senior counsel has categorically disputed that no proof has been produced with regard to the appointment or removal or any other orders, issued by the TWAD Board, in favour of the Workers. In spite of the same, the Labour Inspector had proceeded to examine the Workers and based on their oral statements, he had arrived at conclusion that the Workers had worked for a period of 480 days in 24 months. However, as held in the above judgment, the Labour Inspector will not have any power to pass such impugned order but the same has to be referred to the Labour Court/Industrial Adjudicator.

3.13 Further, he would submit that if there is any dispute with regard to the employee-employer relationship and if the question of contract also arises, the same would not be adjudicated by the Labour Inspector. In this regard, he referred the judgment of *Superintending Engineer vs. Inspector of Labour* (referred supra).

3.14 He had also referred the judgments of the Hon'ble Apex Court rendered

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)Nos.4018 of 2017, etc.,

in *Umadevi vs. State of Karnataka* reported in 2006 (4) SCC 1 and *Union of India vs. Pushpa Rani* reported in (2008) 9 SCC 242.

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3.15 By referring the above judgments, he would submit that the Workers are making attempt to enter into the TWAD Board by way of back door entry, which is not permissible in terms of the law laid down by this Court. However, while passing the impugned order, the said law was completely ignored by the Labour Inspector. Hence, he requests this Court to quash the said impugned orders under challenge in these writ petitions.

4. Worker's submissions:

4.1 Per contra, Mr.Balan Haridas and Mr.A.Haja Mohideen, learned counsel appearing for the Workers would submit that in the present case, all the workers have completed 480 days out of 2 years and these aspects were verified and confirmed by the Labour Inspector thoroughly while passing the impugned award. The provisions of the 1981 Act, have been upheld by the Hon'ble Supreme Court of India. Hence, this Court, being a Constitutional Court, is bound to follow the said decision of the Hon'ble Apex Court and the provisions of 1981 Act, strictly, without traveling beyond the scope of the Act.



W.P.(MD)Nos.4018 of 2017, etc.,

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4.2 Further, he would submit that in the present case, no doubt that the workers have been engaged through the Contractors and every year, the contractors will be changed. Therefore, the contractors will not be the same. However, all the workers have been worked with the TWAD Board for continuously more than 480 days in terms of the provisions of Section 3 of the 1981 Act. Thus, they are workers as per the provisions of the 1981 Act.

4.3 Further, he would submit that the TWAD Board is an Industrial Establishment and the Workers were appointed as Water Pump Operators therein. Therefore, he submits that the workers had worked in the manufacturing process within the meaning of Factories Act. He has also referred the definition of the word “Industrial Establishment”. The word “industrial establishment” has been defined at Section 2(3)(a) of the 1981 Act, as follows:

2 (3) Industrial Establishment means

(a) A Factory as defined in Clause (m) of Section 2 of the Factories Act, 1948 or any place, which is deemed to be factory under Sub-Section 2 of Section 85 of the Act.”

4.4 Further, he has also referred to the definition of the word “Factory” as



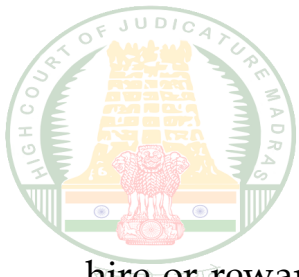
W.P.(MD)Nos.4018 of 2017, etc.,

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defined in the Factories Act, 1948, and submits that any premises whereon 10 or more workers are working or were working, on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on. In this case, more than 10 workers were working, in TWAD Board, with the aid of power. Hence, the definition of “factory” will apply in the present case.

4.5 Further, he referred the word “manufacturing process”, which is defined in Section 2(k)(ii) of the Factories Act, 1948, as “pumping oil, water, sewage or any other substances”. Therefore, he would submit that the TWAD Board is an industrial establishment as per the definition available under the Section 2(3)(a) of the 1981 Act, whereby, the workers had worked as water pump operator, which is a manufacturing process within the meaning of Factories Act, 1948.

4.6 As far as the engagement of workers through contractors is concerned, he would submit that no doubt that the Workers were engaged through the Contracts, however, ultimately they are workmen as they worked for the TWAD Board. In this regard, he would submit that as far as the word “workers” as defined in the Contract Labours Act is concerned, it has been stated that any person, who work for



W.P.(MD)Nos.4018 of 2017, etc.,

hire or reward would squarely falls within the purview of workman. Therefore, as
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per the provisions of Contract Labours Act, the Contract Labours shall be considered as the Workers of the TWAD Board and accordingly, the benefit available under the said Contract Labours Act would also apply to the workers herein.

4.7 Simultaneously, as per the 1981 Act, the word “workman” is defined as “any person employed in any industrial establishment to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied”. Therefore, the Workers herein would squarely fall within the purview of the above definition.

4.8 Thus, in the present case, there is no dispute on the aspect that the workers are the workmen of the TWAD Board in terms of the definition of the aforesaid 1981 Act. Therefore, he would submit that the Labour Inspector has categorically come to the findings that the 1981 Act would apply to the present workers and accordingly, they are entitled to get the reliefs available under the said Act.

4.9 Further, the Labour Inspector has also decided the issue as to whether the



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workers had worked for a period of 480 days or not. Though the 1981 Act will apply for the TWAD Board, they have not maintained any register, which is mandatory under the provisions of the 1981 Act and Rules made thereunder.

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4.10 Further, though the TWAD Board had advanced arguments stating that the workers were hired only through the contractors, no details were provided with regard to the said contractors. Under these circumstances, the Labour Inspector, based on the log book, which was maintained by the employees and also periodically verified and endorsed by the Authorities of the TWAD Board, has arrived at a conclusion that the Workers had worked for 480 days and hence, they are entitled for the conferment of permanent status.

4.11 Further, he would submit that no documentary evidences were produced by the TWAD Board though the 1981 Act mandates for maintenance of register, etc. Further, if an organization is intend to engage any labour, they are supposed to have register the same under the Contract Labours Act. However, no registration has been made and no records have been produced with regard to the same. Therefore, no *bona fide* dispute has been raised on the part of the TWAD Board before the Labour Inspector, so as to refer the matter to the Industrial Adjudicator. Since the



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disputes raised by the TWAD Board are not *bona fide* disputes, based on the available documents, viz log book produced by the workers, the Labour Inspector had rightly arrived at a conclusion that the workers have worked for 480 days in 2 years. Therefore, he pressed this Court to confirm the award passed by the Labour Inspector. In support of his contentions, he referred the following judgments:

- i) *Tamil Nadu Electricity Board Accounts and Executive Staff Union vs. Tamil Nadu Electricity Board* in W.P.No.21324 of 2011, etc (batch) dated 02.02.2024;
- ii) *S.Selvam vs. the Senior Manager - HRD Air India Limited*, reported in AIRONLINE 2020 MAD 951;
- iii) *State of Tamil Nadu vs. Nellai Cotton Mills Limited* reported in 1990 SCC (2) 518;
- iv) *Jaggo vs. Union of India* reported in 2024 0 SC 1243;
- v) *R.Lakshmi vs. The Chief Engineer, TNEB*, reported in 2012 (3) LLN 681 (DB) (MAD);
- vi) *Pandurang Sitaram Jadhav vs. The State of Maharashtra* reported in 2019 0 SC 1174;

4.12 Further, he would submit that in the present case, the judgment of *Uma Devi* (referred supra) will not apply since no question of back door entry would arise here. If anybody is entering through back door entry, or if the TWAD Board Act supersedes the 1981 Act, in those situations, the aforesaid judgment will apply.

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Even then, the regularization of appointments was not prohibited in the said judgment.

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4.13 Further, by referring to the judgment of the Hon'ble Apex Court rendered in *Jaggo* case (referred supra), he would submit that the judgment aimed to distinguish between illegal and irregular appointments. This cannot be misinterpreted so as to deny the legitimate claims of long-serving employees. Further, it was held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than 10 years, should be considered for regularization as a one time measure. Therefore, it is not against the employees, those who had put long period of services. However, in the present case, it would not apply for the simple reason that here it is the Statutory right of the workman, who have completed 480 days in two years, to get the permanent status. Thus, he prayed for the dismissal of this writ petition.

5. I have given conscious consideration to the submissions made by the learned Senior counsel for the TWAD Board as well as the learned counsel appearing for the workers and also perused the materials available on record.

6. The challenge before this Court was with regard to the impugned award



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passed by the 1st respondent-Labour Inspector, holding that the TWAD Board squarely falls within the purview of the 1981 Act and thus, the workers are entitled to claim permanency under the said Act. Further, based on the available documents, viz., log book produced by the workers, the Labour Inspector came to the categorical finding that the workers had completed 480 days out of 2 years from their initial appointment.

7. According to the TWAD Board, they have raised the dispute with regard to the employment of the workers as they have engaged from different contractors and thus, no worker was engaged continuously for more than 11 months from the same contractor. Therefore, the question of continuous working of workers for a period of 480 days would not arise. However, to decide the issue, no documentary evidences are available with the TWAD Board since they have not maintaining any registers as mandated by the 1981 Act. Under these circumstances, the Labour Inspector had relied upon the log book, which was maintained by the workers and based on which, a finding was arrived by holding that the workers have worked for 480 days in the period of two years.

8. Further, it was submitted by the learned Senior counsel that the Shops and Establishment Act would apply to the case on hand and in such case, the TWAD



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Board will be exempted, i.e., it will not come under the purview of the 1981 Act.

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9. On the other hand, according to the workers, it is the bounden duty of the TWAD Board to maintain all the registers in terms of the 1981 Act. In this regard, it was submitted by the workers that there is no dispute on the aspect that TWAD Board have engaged workers under the contract through contractors and those contracts are not same and nominal. Even though the TWAD Board engaged the contract labours through the Contractors, it has not made any registration under the Contract Labour Registration Act, 1970, in which case, it would amount to directly engaging the labours/workman to their organization.

10. Both the learned Senior counsel for the TWAD Board as well as the learned counsel for the workers have referred to the landmark judgments (referred supra) in support of their contention.

11. Based on the submissions, facts and circumstances of the case, the following issues that would arise for consideration:

i) Whether the "TWAD Board" is an "Industrial Establishment" as defined in the 1981 Act, if so, whether the workers are workman of the petitioner-establishment (TWAD Board) under the 1981 Act ?

ii) Whether the TWAD Board is liable to maintain the register and records as defined under 1981 Act and Rules made thereunder ?

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iii) Whether the Tamil Nadu Industrial Establishments



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(Conferment of Permanent Status to Workmen) Act (1981 Act) will apply to the contract labourers/workers ?

iv) Whether the engagement of workers through contractors, under the Contract Labours Act, will be deprived of the benefit available under Section 3 of the 1981 Act for the purpose of conferment of permanent status?

v) Whether the TWAD Board Act will supersede the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (1981 Act)?

vi) Whether, the 1st respondent/Labour Inspector is empowered to deal with the aspect of disputed questions of fact while passing the award?

vii) Whether the workers are entitled for conferment of permanent status under Section 3 of the 1981 Act?

12. Issue No.(i):

i) Whether the “TWAD Board” is an “Industrial Establishment” as defined in the 1981 Act, if so, Whether the workers are workmen of the petitioner-establishment (TWAD Board) under the 1981 Act?

12.1 As far as the 1st issue is concerned, the claim of the workers is that they are workmen of the TWAD Board. However, the TWAD Board would submit that they are not workmen of the TWAD Board but the workmen to the contractors.

12.2 Now, to decide the present issue, it would be apposite to extract the
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definition of “workman” as defined in the 1981 Act, which reads as follows:

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2. Definitions.-

(4) “Workman” means any person employed in any industrial establishment to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied [and includes a baldi workman]

but does not include any such person,

a) who is employed in the police service or as an officer or other employee of a prison; or

b) who is employed mainly in managerial or administrative capacity; or

c) who, being employed in a supervisory capacity, [draws wages exceeding three thousand and five hundred rupees per mensem] or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

12.3 A reading of the above definition would show that the “workman” means any person employed in any industrial establishment to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied.

12.4 The word “for hire or reward” means the service, which is being offered in exchange of payment, essentially means, you are paid to perform a task or provide a service. In other words, it means a person providing services and



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receiving a form of compensation whether as direct money or any other consideration for carrying out the activities.

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12.5 The hiring shall be in the form of direct hiring or indirect hiring. As far as direct hiring is concerned, the employer will engage the worker directly and they will maintain the records and pay the salary with PF, ESI and other contributions. As far as indirect hire is concerned, the employer will engage the workers through Contractors, in which case, the Contractor will maintain records and pay the salary along with other contributions.

12.6 As far as the present issue is concerned, to decide the same, it is immaterial to look into the aspect as to whether the said worker, who worked in the particular organization, was engaged directly by his employer or through contractor. Further, in order to fit-in with the definition of “workman” under the 1981 Act, if a person worked in any industrial establishment as defined in the Act, the same would be sufficient to declare him as a “workman” of the said industrial establishment.

12.7 Thus, now, one more issue arises for consideration as to whether the



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TWAD Board is an industrial establishment as defined under the 1981 Act, since the definition of “workman” states that “any person employed in any industrial establishment”. At this juncture, it would be apposite to extract the definition of the word “industrial establishment”, which reads as follows:

“2(3) “ industrial establishment ” means---

(a) a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 (Central Act LXIII of 1948) or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act; or

(b) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951); or

(c) a motor transport undertaking as defined in clause (g) of section 2 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961); or

(d) a beedi industrial premises as defined in clause (i) of section 2 of the Beedi and Cigar Workers (conditions of employment) Act, 1966. (Central Act 32 of 1966); or

(e) an establishment as defined in clause (6) of section 2 of the Tamil Nadu Shops and Establishment Act, 1947 (Tamil Nadu Act XXXVI of 1947); or

(f) a catering establishment as defined in clause(1) of section 2 of the Tamil Nadu Catering Establishment Act, 1958.(Tamil Nadu Act XIII of 1958) ; or

(g) any other establishment which the Government may, by notification, declare to be an industrial establishment for the purpose of this Act;”

12.8 A reading of the above shows that Section 2(3)(a) of the 1981 Act defines



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the word “industrial establishment” as a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 (Central Act LXIII of 1948). In such case, it would be apposite to extract the definition of the word “factory” as defined in Section 2(m) of the Factories Act, 1948, which reads as follows:

2(m) “factory” means any premises including the precincts thereof –

(i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on, –

12.9 A reading of the above would make it clear that the word “factory” means any premises including the precincts thereof, whereon 10 or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on. Therefore, while defining the word “Factory” under the Factories Act, 1948, it is clear that there must be more than 10 workers working in the industrial establishment, whereby the manufacturing process should have been carried on. Both the words “manufacturing process” and “worker” have been defined in the Factories Act, 1948, and necessarily we have to look into the meaning



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of both words, so as to understand the full meaning of the word “Factory” in terms of the provisions of the Factories Act, 1948. The words "manufacturing process" has been defined in Section 2(k) of the Factories Act, 1948, and the same reads as follows:

- (k) “manufacturing process” means any process for
- (i) making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or
 - (ii) pumping oil, water, sewage or any other substance; or
 - (iii) generating, transforming or transmitting power; or
 - (iv) composing types for printing, printing by letter press, lithography, photogravure or other similar process or book binding; or
 - (v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or
 - (vi) preserving or storing any article in cold storage;

12.10 A reading of the above makes it clear that as per the provisions of Section 2(k)(ii) of the Factories Act, the word “manufacturing process” includes the process of pumping water, oil or any other substances. In the present case, all the workers were engaged as pump operator for water and sewerage in TWAD Board. In such case, the activities of the workers squarely covered under the definition of “manufacturing process” as defined in Section 2(k) of the Factories Act, 1948.



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Therefore, the TWAD Board is an “industrial establishment” as defined in the
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Factories Act.

12.11 The word "worker" as defined under the Factories Act, 1948, is as follows:

2(l) “worker” means a person [employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not], in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process [but does not include any member of the armed forces of the Union]

12.12 A reading of the above definition makes it clear that the “worker” is a person, who is employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, etc. Therefore, the definition of “worker” includes a person employed directly or through any contractor in any factory, i.e., the workers referred in the definition of Factories Act would refer both the workers, who are directly hired by an industrial establishment as well as the workers, who are indirectly hired

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and employed through any agency or contractor.

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12.13 In Section 2(m) of the Factories Act, 1948, the word “Factory” has been defined as “any premises, where 10 or more workers worked in manufacturing process with the aid of power”. Further, the said “manufacturing process” referred in the definition of Factories Act includes pumping of oil, water, sewerage or any other substances. In the present case, the workers were carrying out the job of pumping the water and sewerage and hence, there is not doubt that the workers in this case were involved in manufacturing process as defined in the Factories Act. In such case, since the TWAD Board is a “Factory” as defined in Section 2(m) of the Factories Act, it would squarely fall within the meaning of “industrial establishment” as defined in the 1981 Act. That apart, the word “worker” is also defined in the Factories Act, which includes both the workers, who were worked directly or through any Agency (including Contractors). In the present case, the workers were worked for TWAD Board through Contractors, thus, it is crystal clear that the workers were engaged through Contractor to TWAD Board. Therefore, as discussed above, it is clear that TWAD Board is an “industrial establishment” as defined in Section 2(3)(a) of the 1981 Act.

12.14 On the other hand, the TWAD Board have referred the Shops and



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Establishment Act and would submit that the said Act would apply for the
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Government or TWAD Board. However, as per the definition of industrial establishment, as defined in Section 2(3)(a) of the 1981 Act, the TWAD Board squarely falls within the purview of “industrial establishment”.

12.15 Therefore, in the present case, since the workers have worked in the TWAD Board, which is an industrial establishment, they will be considered as “workers” within the meaning of definition of Factories Act and also as the workman as defined in Section 2(4) of the 1981 Act. In such view of the matter, there is no difficulty in arriving at a conclusion that the workers are the “workman” as defined in the 1981 Act.

12.16 In 1981 Act, the word “workman” is defined as any person employed in any industrial establishment. In this case, the workers were worked in TWAD Board. The TWAD Board is an Industrial Establishment within the meaning of the 1981 Act, as discussed earlier.

12.17 In the result, the TWAD Board is an “Industrial Establishment” within the meaning of Section 2(3)(a) of the 1981 Act. The workers were worked in the said industrial establishment and hence, the workers are “workman” in terms of the



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definition of “workman” as defined in Section 2(4) of the 1981 Act.

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13. Issue No.(ii):

ii) Whether the TWAD Board is liable to maintain the register and records as defined under the 1981 Act and Rules made thereunder?

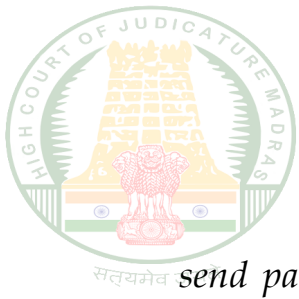
13.1 Rule 6 of The Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Rules, 1981, mandates the registration of employees, which reads as follows:

6.Maintanence of Register-

(1) every employer must maintain a register of workmen in "Form I" and must produce it when required, essentially requiring employers to keep a detailed record of all workers within their establishment to ensure proper compliance with the rules regarding permanent status conferment.

(2) Every employer shall compile an up-to-date list in Form 1 except column (9) thereof at the end of each half-year ending on the thirtieth day of June and thirty-first day of December and exhibit the list prominently at any part of the industrial establishment for perusal of the list by the workmen during working hours on any day.

(3) Every employer shall send a copy of the up-to-date list so compiled under sub-rule (2) to the Inspector concerned within a fortnight from the expiry of the half-year ending with June and December of every year with a declaration that the list has been exhibited for the perusal of the workmen of the industrial establishment as required under sub-section (2). He shall also



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send particulars for each half-year in Form 2 along with the particulars in Form 1 as required under this sub-rule to the Inspector concerned. He shall obtain acknowledgment for furnishing the particulars in Form 1 and Form 2 to the Inspector under this sub-rule either by Registered Post or otherwise.

(4) Any employee who finds his name not entered in the list referred to in sub-rule (2) or finds that the entries have not been made correctly or finds that though entries regarding his service have been made correctly but he has not attested the entries in the register of workmen in Form 1 may make a representation to the Inspector concerned. The Inspector after examining the representation or after making enquiries may issue suitable directions to the employer for the rectification of the register in Form 1 or for the issue of orders conferring permanent status to the workman concerned. "

13.2 In terms of Rule 6, the TWAD Board is supposed to have maintained the Form I with regard to the workman employed with them. The word "workman" defined under the 1981 Act includes both the workers, who were engaged directly or indirectly through a contract or agency. In the present case, the TWAD Board had engaged the workers through Contractors. Therefore, they have engaged the workers indirectly and thus, they are bound to maintain the said registers. However, in the present case, no such records have been maintained and produced with regard to the engagement of workers, either directly or through the Contractor, due to which the said Form I was not produced before the Labour Inspector when the



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claim was made by the Workers for the conferment of permanent status.

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13.3 Further, the Labour Inspector had also directed the TWAD Board to furnish records or information with regard to the Workers, which has to be mandatorily maintained by them as per Rule 6. However, they have not done so. Thus, it is clear that no such register has been maintained by the TWAD Board and hence, they were not in a position to provide the same before the Labour Inspector, whereby they had violated the provisions of 1981 Act and the Rules made thereunder.

13.4 In terms of Rule 6, it is mandatory for the TWAD Board to maintain the registers of workman in Form I. A perusal of the award passed by the Labour Inspector would make it very clear that no such document was produced before him prior to the passing of said award, which shows that the TWAD Board had not maintained any register for the Workers, which is a clear violation of Rule 6. In such case, the Labour Inspector can take adverse inference and pass an award, by conferring the permanent status of employment to the workers, based on the documents produced by the workmen.

13.5 In the present case, the Workers have produced the log book, which has



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been periodically signed by the Authorities of TWAD Board. After thorough
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verification of the said log book, the Labour Inspector has categorically come to the
conclusion that all the workers have worked for 480 days in two years and therefore,
they are entitled for the conferment of permanent status. In the absence of
production of registers by the TWAD Board only, the Labour Inspector relied upon
log book produced by the Workers and passed an award for conferment of
permanent status to the workers.

13.6 In the result, the TWAD Board is liable to maintain registers under Rule 6
of the Tamil Nadu Industrial Establishment (Conferment of Workmen) Act, 1981.

14. Issue No.(iii):

**iii) Whether the Conferment of Permanent Status Act (1981 Act) will apply
to the contract labourers/workers ?**

14.1 As per the definition of workman in 1981 Act, the “workman” means any
person employed in any industrial establishment for hire or reward and as stated
above, the meaning of hire includes both direct and indirect hiring of workers.

14.2 Further, the workers as defined under the Factories Act, 1948, would also
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clearly states that the “worker” means any person employed, directly or through contractor with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process.

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14.3 As answered to Issue No.(i), the TWAD Board is an industrial establishment in terms of provisions of the 1981 Act and the workers are workmen within the meaning of the said 1981 Act. Further, a reference has also been made with regard to the word “workers” as defined in Contract Labours Act, 1970.

14.4 The definition of the word “workman” as defined in Contract Labours Act, 1970, is as follows:

“2(i) “workman” means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or un-skilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied.”

14.5 From reading the above provision, it is clear that the word “workman” includes any person employed directly and through contract. As far as the Contract Labour Act is concerned, it was enacted only for the purpose of engaging the workers through contract and to safeguard their rights. Therefore, the said provision

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will apply to the extent of safeguard available under the Act to the workman, that too, it was enacted only for the employer and contractor for the purpose of registration of workers. In the present case, no such registration was made by the TWAD Board.

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14.6 As far as the 1981 Act is concerned, if any workman worked for 480 days or more within a period of 2 years, they are entitled for permanent status. It is a separate right, which the workman is entitled for under the said 1981 Act, once they completed 480 days work in a period of 24 months, either directly or through contractor. Therefore, merely because a person was employed through a contractor under the Contract labour Act, one cannot assume that the Contract Labours Act alone would be applicable for the said person and other Acts will not apply. While defining the word workman/worker, all other labour welfare legislation have consciously included the word “either directly or indirectly through contractor, agency, etc”. The workman, who works as contract labourer, can enjoy all the benefits available for them under the Contract Labours Act upto certain period. Once if he/she qualified to get permanent status under 1981 Act, he/she would be considered as regular worker and thereafter, all the benefits, as regular workman, will be available for him/her also. In a nutshell, the contract labourers are entitled to



get permanent status under the 1981 Act. When it was made clear that the TWAD Board is an industrial establishment under the 1981 Act, the provisions of Section 3 of the Act, which pertains to the “Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act” will apply for the TWAD Board. Hence, in the present case, the 1981 Act will apply to the Workers.

14.7 Therefore, in this case, the 1981 Act will apply to the workers to confer permanent status under the said Act.

15. Issue No.(iv):

iv) Whether the engagement of workers through contractors, under the Contract Labours Act, will be deprived of the benefit available under Section 3 of the 1981 Act for the purpose of conferment of permanent status?

15.1 To answer the issue, it would be apposite to extract Section 3 of the 1981 Act, which reads as follows:

“3.Conferment of permanent status to workmen. –

(1) Notwithstanding anything contained in any law for the time being in force every workman who is in continuous service for a period of four hundred and eighty days in a period of twenty four calendar months in an industrial establishment shall be made permanent.

(2) A workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a



*strike, which is not illegal, or a lock-out [***] or a cessation of work which is not due to any fault on the part of the workman.*

Explanation I.-- For the purposes of computing the continuous service referred to in sub-sections (1) and (2), a workman shall be deemed to be continuous service during the days on which --- ;

(i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946) or under any other law applicable to the industrial establishment ;

(ii) he has been on leave with full wages, earned in the previous years;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and

(iv) in the case of a female, she has been on maternity leave ; so, however, that the total period of such maternity leave does not exceed twelve weeks.

Explanation II. – For the purposes of this section, ‘law’ includes any award, agreement, settlement, instrument or contract of service whether made before or after the commencement of this Act.”

15.2 A reading of the above Section, would make it clear that notwithstanding anything contained in any law for the time being in force, every workman who is in continuous service for a period of 480 days in a period of 24 calendar months in an industrial establishment shall be made permanent. Therefore, it is immaterial to



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consider any other law contains in any other manner, whether it is special law or
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general law. Thus, still the workers are entitled for the purpose of conferment of
permanent status under the 1981 Act.

15.3 Further, in Explanation 2 of the above provision, the word “law” has been
explained as *“law’ includes any award, agreement, settlement, instrument or contract of
service whether made before or after the commencement of this Act.”*

15.4 Even assuming if any contract, contrary to the 1981 Act, was entered
between the employer and the contractor for engaging workers in TWAD Board,
either before or after the commencement of the 1981 Act, the said contract will not
override the 1981 Act, due to non-obstante clause available in Section 3(1) of the
1981 Act. Therefore, in the present case, even if any agreement/contract is entered
for engaging the workers in the industrial establishment, i.e., TWAD Board, through
contractor, the said agreement/contract will not override the provisions of Section 3
of the 1981 Act. Thus, every workman is entitled for the conferment of permanent
status irrespective of any contract of employment or under any law, either Special or
General Law, either before or subsequent to the enactment of 1981 Act. As on date,
this provision holds good, since the 1981 Act was upheld by the Hon'ble Supreme
Court in the case of *State of Tamil Nadu vs. Nellai Cotton Mills* reported in 1990



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SCC (2) 518. Thus, engagement of contract labour through contractors will no way deprive the workers' right to get conferment of permanent status under the 1981 Act.

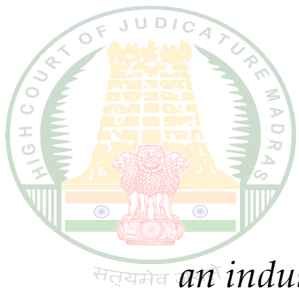
16. Issue No.(v):

Whether the TWAD Board Act will supersede the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (1981 Act)?

16.1 Mr.AR.L.Sundaresan, learned Senior counsel made submission by referring the judgment of this Court rendered in W.P.No.4723 of 2013 dated 29.11.2019, which was also followed in W.P.Nos.9265, 10458 & 10463 of 2013, whereby it was held that the TWAD Board Act is a special Act and 1981 Act is a General Act, thus, the General Act cannot override the Special Act. However, though Section 3(1) of 1981 Act was extracted in the said judgment, no finding was provided with regard to the provisions of the said Section, which starts with non-obstante clause. For ready reference, Section 3(1) of the 1981 Act is extracted hereunder:

3.Conferment of permanent status to workmen. –

(1) Notwithstanding anything contained in any law for the time being in force every workman who is in continuous service for a period of four hundred and eighty days in a period of twenty four calendar months in



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सत्यमेव *an industrial establishment shall be made permanent.*

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16.2 The phrase “Notwithstanding anything contained in any law for the time being in force” means whether it is a special law or general law and whether prior to the commencement of the 1981 Act or subsequent to the commencement of the 1981 Act. The TWAD Board Act, 1970 came into force with effect from the year 1971, whereas, the Conferment of Permanent Status Act, 1981, came into force with effect from the year 1981. This aspect was completely unnoticed since no argument was made and thus, there was no occasion for the learned Single Judge of this Court to deal with this aspect of the matter eventhough the said provision was extracted in the order. Thus, this Court is unable to follow the law laid down by this Court in the above case.

16.3 Therefore, this Court is of the clear view, that by reading the above provisions, it is clear that due to the availability of non-obstante clause, i.e., notwithstanding anything contained in any law for the time being in force, it is crystal clear that any law includes both the Special Act as well as General Act. Thus, the TWAD Board Act will not supersede the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.



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17. Issue No.(vi):

Whether, the 1st respondent/Labour Inspector is empowered to deal with the aspect of disputed questions of fact while passing the award?

17.1 This Court had already elaborately discussed, while answering various issues above, and states that the workers are squarely falls under the definition of workman and the TWAD Board is an industrial establishment within the meaning as stated in the 1981 Act. In such case, as per Rule 6 of 1981 Rules, the TWAD Board is supposed to have maintained the Form I with regard to the details of the workmen and they are supposed to have provided those information to the Labour Inspector prior to the passing of the award. However, in this case, admittedly no such information was provided by the TWAD Board to the Labour Inspector.

17.2 Without providing the vital documents and other information, the TWAD Board is claiming now as if they have raised a *bona fide* dispute of factual issues. When they were not in a position to produce the records before Labour Inspector, which they are legally bound to maintain, certainly dispute raised by the TWAD Board before the Labour Inspector is not *bonafide* dispute.

17.3 On the other hand, the workers have produced the log book, which was
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being counter-signed by the Authorities concerned from time to time. In the absence
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of production of register by the TWAD Board, based on the log book, the Labour
Inspector had arrived at a conclusion that the workers have worked for 480 days in
two years with the TWAD Board. Therefore, now there is no scope to raise any *bona*
fide dispute by the TWAD Board.

17.4 The Hon'ble Division Bench in *Superintending Engineer* case (referred
supra) has stated that the Labour Inspector cannot look into the disputed question of
fact and hence, in the said case, the matter was remanded. However, this Court has
clear view that there is no *bona fide* dispute or disputed question of fact, which the
TWAD Board had raised to decide by the Labour Inspector and therefore, based on
the available documents, the Labour Inspector had decided and arrived at a
conclusion that the workers have worked 480 days and they are entitled for
conferment of permanent status.

17.5 In the result, the Labour Inspector is not empowered to deal with the
matter, when *bona fide* disputes were raised. In the event, if no *bona fide* dispute is
raised, in such case, the Labour Inspector is empowered to deal with the matter and
to pass award on merits.



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18. Issue No.(vii):

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Whether the workers are entitled for conferment of permanent status under Section 3 of the 1981 Act?

18.1 This Court, while answering the Issue No.(i) above, has given a finding that the workers herein are the workmen of TWAD Board and the TWAD Board is an industrial establishment as defined in the 1981 Act.

18.2 In the absence of maintenance of register by the TWAD Board in Form I in terms of Rule 6 and failure of provision of other information as directed by the Labour Inspector, based on the log book maintained by the workers, which was counter-signed by the Authorities from time to time, the Labour Inspector has arrived at a conclusion that the workers have worked for 480 days in two years. In such case, the workers are certainly entitled for conferment of permanent status.

18.3 In view of the above, I am also in agreement with the said conclusion by the Labour Inspector and I do not find any fault or defect in the decision making process by the Labour Inspector while taking decision that the workers are entitled for conferment of permanent status upon continuous working of 480 days out of 24 months.

<https://www.mhc.trijugva/judicial> 18.4 Therefore, this Court has no hesitation to hold that the workers are



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certainly entitled for conferment of permanent status in terms of provisions of

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Section 3 of the Conferment of Permanent Status Act.

19. Case law referred by both the learned counsel:

19.1 As far as the case of *Umadevi* referred by TWAD Board is concerned, if the workers would not fall within the purview of the 1981 Act, the said case will come into picture. Even then, they would not have deprived the right of the regularising the irregular employment. In this case, the issue raised is with regard to the illegal appointment and hence, the said judgment of *Umadevi* will not apply.

19.2 In the writ petition in W.P.No.21324 of 2011, etc. (batch), vide order dated 02.02.2024, the Hon'ble Division Bench of this Court had held as follows:

“26. Thus, when the rights of the parties conclusively determined in the earlier rounds by this Court and the repeated SLP's being dismissed, the contention that the parties are to be relegated to Labour Court/Industrial Tribunal cannot be sustained.

27. Further, the contention of TANGEDCO is that the claim petition is not maintainable before the Inspector of Labour under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 where contract labours are involved is a legal plea and it is taken up now for the first time. We are unable to agree. We have already extracted their case in the counter in which the said plea is taken. A specific finding is given in respect of said plea in the award. The said award is to be held valid



W.P.(MD)Nos.4018 of 2017, etc.,

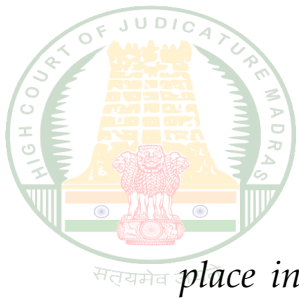
and directed to be implemented. Even in the earliest round decided by the Division Bench in the Superintending Engineer and Ors. Vs. The Inspector of Labour and Ors., 4 such a plea has been specifically taken and it has been answered as follows:-

“23.If this was only a case of adjudication of whether the status of workmen was as directly employed by the Electricity Board or they were employed only as contract labourers, we would have directed that the objection should be considered and an adjudication made in the industrial dispute raised under Section 33(2)(b) of the Industrial Dispute Act. The argument advanced by Shri. Hariparanthaman is that the fate of more than 21, 000 workmen was being adjudicated before the Labour Court in I.D. No. 106 of 2003 and that would be the appropriate forum of adjudication. He urged that the petitioner in W.P. No. 27714 of 2007 and connected writ petitions ought to have been directed only to challenge the agreement before the Industrial Tribunal and not by means of writ petition. We have already seen that remedy by writ petition itself is not barred and if the board as an employer has conceded to their status as workmen to whom the provisions of the T.N. Industrial Establishments (Conferment of Permanent Status Act) could be applicable, there is no warrant for directing the parties to seek adjudication before the Industrial Tribunal.”

In any event, the said defence failed in the previous round when the Writ Petitions were filed to implement the award, cannot now be considered

19.3 In the judgment of **R.Lakshmi** (referred supra) rendered by this Court, it has been held as follows:

“28. The essential test is to determine the existence of right in the matter to supervise and control a person as regards the work to be turned out by him. As a matter of fact, the definition ' Establishment ' is taken from the Tamilnadu Shops and Establishments Act, 1947 and the same has found a

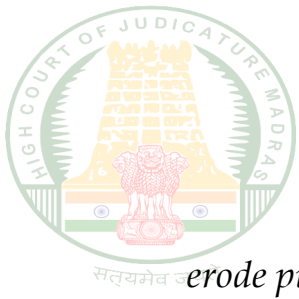


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place in Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, and as such, even if no order of regularisation is passed, a person is deemed to have been regularised as per Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 after completing 480 days of work in a period of 24 calendar months. Even in a case, a person / employee has worked for more than 240 days in a year and if the Employer / Management fails to produce proper documentary evidence like voucher, record, etc., an adverse inference can be drawn to the effect that the plea projected by the said person is a trustworthy and a fruitful one."

19.4 Further, in the judgment of **Jaggo** (referred supra) rendered by the Hon'ble Apex Court, it has been held as follows:

22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' right and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can



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erode public trust in governmental operations.

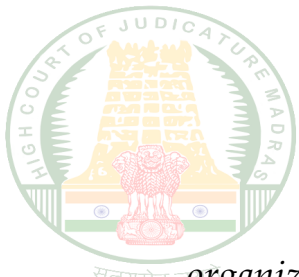
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26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the



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organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.

[**emphasis supplied]

19.5 The law laid down in the above judgments are squarely applicable for the present case and hence, this Court is in full agreement with the above judgments.

20. Therefore, in view of the law laid down by this Court as well as the Hon'ble Apex Court, this Court holds that the workers in the present case are entitled for conferment of permanent status in terms of Section 3 of the 1981 Act and I do not find any infirmity in the award passed by the Labour Inspector.

21. As stated above, in the present case, in absence of any record or information, no *bonafide* dispute has been raised by the TWAD Board, so as to refer the matter to the industrial adjudicator. Therefore, all the disputes raised by the TWAD Board are not based on the available records and hence, it is not *bona fide* dispute, i.e, it is not genuine. Therefore, this Court uphold the award passed by the Labour Inspector.



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2018 and W.P.(MD)No.1217 of 2020, are dismissed. While dismissing these writ petitions, this Court directs the TWAD Board to implement the respective awards within a period of 8 weeks from the date of receipt of a copy of this order.

23. With the above direction, the writ petitions in W.P.(MD)Nos.10635 & 23086 of 2018 and W.P.(MD)No.1217 of 2020 are disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

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Sub Assistant Registrar
(CS- I/ II / III / IV)

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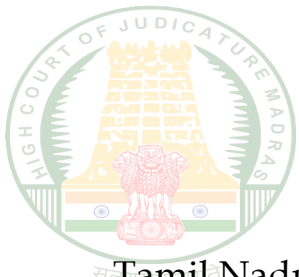
1.The Inspector of Labours,
Madurai.

2.The Inspector of Labours,
Viruthunagar

3.The Inspector of Labours,
Theni.

4.The Executive Engineer,

<https://www.hmc.tn.gov.in/judis>



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Tamil Nadu Water Supply and Drainage Board (TWAD),
Maintenance Division, 43, Anna Nagar,
Dindugal 642 005

- 5.The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD),
31, Kamarajar Salai,
Chepauk, Chennai.
- 6.The Assistant Commissioner of Labour,
Dindugal District, Dindugal
- 7.The Executive Engineer,
TWAD Board, Rural Water Supply Division,
NRT Nagar, Theni
- 8.Assistant Executive Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni
- 9.Assistant Engineer,
TWAD Board, RWS Sub Division,
NRT Nagar, Theni
- 10.The Assistant Commissioner of Labour,
(Former Inspector of Labour and Authority under the CPS Act, 1981),
Theni District.
- 11.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Maintenance Division, Office of the Chief Engineer,
Madurai Region, Ganesh Nagar, Madurai 7
- 12.The Assistant Commissioner of Labour, Sivagangai
- 13.The Assistant Commissioner of Labour, Nagercoil
- 14.The Assistant Commissioner of Labour, Ramanathapuram

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W.P.(MD)Nos.4018 of 2017, etc.,

15.The Assistant Commissioner of Labour, Madurai

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16.The Executive Engineer,TWAD Board,
Project Division,
(Ramanathapuram Combined Water Scheme),Sivagangai.

17.The Inspector of Labours,
Sivagangai.

18.The Executive Engineer,
TWAD Board, Maintenance Division,
Kovilpatti Thoothukudi District
(At present
The Executive Engineer,
TWAD Board, Project Division, Virudhunagar)

19.The Assistant Executive Engineer,
TWAD Board, Maintenance Division I,
M.V.M.Nagar, Old Karur Road, Dindugal

20.The Assistant Executive Engineer,
TWAD Board, Maintenance Division II,
M.V.M.Nagar, Old Karur Road, Dindugal

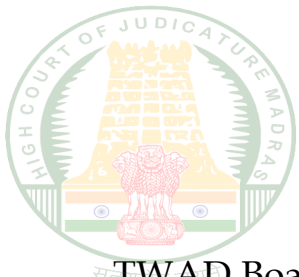
21.The Assistant Engineer,
TWAD Board, Maintenance Division I,
M.V.M.Nagar, Old Karur Road, Dindugal

22.The Assistant Engineer,
TWAD Board, Maintenance Division II,
M.V.M.Nagar, Old Karur Road, Dindugal

23.The Executive Engineer,
TWAD Board, Rural Water Supply Division,
Sivagangai.

24.The Executive Engineer,

<https://www.mhc.tn.gov.in/judis>



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स
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TWAD Board, RWS Division,
No.20, Cave Road, Nagerkoil,
Kanyakumari District.

25.The Executive Engineer,
TWAD Board,
Village Drinking Water Planning Division,
No.20, GAP Road, Nagercoil

26.The Executive Engineer,
TWAD Board (Ramanathapuram Cauvery Combined Water Scheme),
CWSS Division, Ramanathapuram

27.The Executive Engineer,
TWAD Board, Rural Water Supply Division,
Ramanathapuram District Combined Cauvery Drinking Water Scheme,
Sivagangai

28.The Executive Engineer,
TWAD Board, Maintenance Division,
No.7, Ganesh Nagar, Madurai

+4 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-41303[F] dated
09/07/2025)

+16 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-42307[F] dated
11/07/2025)

+1 CC to M/s.SPL GP (SR-42497[F] to



W.P.(MD)Nos.4018 of 2017, etc.,

SR-42501[F],SR-42505[F],SR-42506[F],SR-42507[F],SR-42508[F],SR-42509[F]SR-42510[

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F]SR-42511[F],SR-42512[F] & SR-42513[F] SR-42497[F] to SR-42501[F])

W.P.(MD)Nos.4018, 6516 of 2017,
1606, 6133, 10635, 23086, 10661 & 24685 of 2018,
19384 & 19403 of 2019, 1217 of 2020,
1451 of 2021, 2089, 27737, 27738 & 28765 of 2023,
21995 to 22010, 26578 to 26580, 27703, 27704 & 27923 of 2024
09.07.2025

MGJ (19.08.2025) 85P/ 50C

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