



W.A(MD)No.918 of 2024 etc., batch

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)Nos.918, 919, 922, 923, 924, 925, 926, 928, 929, 930, 931, 932,
933, 934, 935 & 936 of 2024 (16 cases)**

and

**C.M.P(MD)Nos.6819, 6821, 6827, 6828, 6830, 6832, 6835, 6829, 6834,
6838, 6840, 6842, 6844, 6845, 6846 & 6849 of 2024**

1.W.A(MD)No.918 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.V.Elamathi

... Respondents/Respondents



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18863 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

2.W.A(MD)No.919 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.V.Pitchaiammal

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18864 of 2015 on the file of this Court.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

For Appellant : Mr.S.Saji Bino
For R – 1 : Mr.V.Om Prakash
Government Advocate
For R – 2 : No appearance

3.W.A(MD)No.922 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.B.Kariarasu ... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18868 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino
For R – 1 : Mr.V.Om Prakash
Government Advocate
For R – 2 : No appearance



W.A(MD)No.918 of 2024 etc., batch

4.W.A(MD)No.923 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.V.Vellaichamy

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18869 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

5.W.A(MD)No.924 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via, Madurai District.

... Appellant/Writ Petitioner



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.S.Alagarsamy

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18870 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

6.W.A(MD)No.925 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY 2.M.Muthukrishnan

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18871 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

7.W.A(MD)No.926 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502, Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.M.Malaichamy

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18872 of 2015 on the file of this Court.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

For Appellant : Mr.S.Saji Bino
For R – 1 : Mr.V.Om Prakash
Government Advocate
For R – 2 : No appearance

8.W.A(MD)No.928 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.M.Dharmaraj ... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18874 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino
For R – 1 : Mr.V.Om Prakash
Government Advocate
For R – 2 : No appearance



W.A(MD)No.918 of 2024 etc., batch

9.W.A(MD)No.929 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.K.Rajendran

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18875 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

10.W.A(MD)No.930 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502, Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

VS.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.P.Kayambu

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18876 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

11.W.A(MD)No.931 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

VS.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.P.Malaichamy

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18877 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

12.W.A(MD)No.932 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.V.Lakshmanan

... Respondents/Respondents



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18878 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

13.W.A(MD)No.933 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.R.Kumaresan

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18879 of 2015 on the file of this Court.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

For Appellant : Mr.S.Saji Bino
For R – 1 : Mr.V.Om Prakash
Government Advocate
For R – 2 : No appearance

14.W.A(MD)No.934 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.R.Malaichamy ... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18880 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino
For R – 1 : Mr.V.Om Prakash
Government Advocate
For R – 2 : No appearance

12/20



W.A(MD)No.918 of 2024 etc., batch

15.W.A(MD)No.935 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502,
Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner

vs.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.A.Chandrakumar

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18881 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

16.W.A(MD)No.936 of 2024:

The Managing Director,
National Co-operative Sugar Mills Limited,
B Mettupatti – 625 502, Alanganallur Via,
Madurai District.

... Appellant/Writ Petitioner



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

VS.

1.The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.

2.P.Thangavel ... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2023 made in W.P(MD)No.18882 of 2015 on the file of this Court.

For Appellant : Mr.S.Saji Bino

For R – 1 : Mr.V.Om Prakash
Government Advocate

For R – 2 : No appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

These intra-court Appeals have been instituted challenging the orders passed by the writ Court in the Writ Petitions.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

2. Notice served to the second respondent/workmen, but none appeared.

3. The only issue to be considered in the present Writ Appeals is whether the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as “the Act, 1981”) are applicable to establishments of a seasonal character.

4. The facts in a nutshell reveal that the second respondent/workmen were employed by the appellant/National Co-operative Sugar Mills Limited, on a temporary basis in a seasonal establishment. The nature of the work is not continuous. Only during the crushing seasons, these seasonal employees are engaged by the sugar mills for executing the works in an expeditious manner. Therefore, there is no continuous work and these workmen will be engaged only during the seasons and thereafter will be relieved.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

5.The second respondent/workmen filed petitions before the Deputy Director of Industrial Safety and Health/Competent Authority under the Act, 1981, seeking permanent status. The Competent Authority considered the case of the workmen on the ground that they had completed 480 days of service and accordingly granted relief. The appellant Management preferred Writ Petitions. The Writ Court applied Section 2(3) of the Act, 1981 and confirmed the order passed by the competent authority under the said Act. Thus, the present writ appeals came to be instituted.

6.Pertinently Section 1(3) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 reads us under:

“(3) It applies to every industrial establishment (not being an establishment of seasonal character or in which work is performed only intermittently) in which not less than fifty workmen were employed on any day of the preceding twelve months. If any question arises whether an industrial establishment is of a seasonal character or whether work is



W.A(MD)No.918 of 2024 etc., batch

WEB COPY performed therein only intermittently the decision of the Government thereon shall be final”.

7. Section 2(3) of the Act, 1981, relied on by the writ Court, defines “industrial establishment”. Applying the said provision, the writ Court confirmed the order of the Competent Authority under the Act, 1981. A reading of the definition of “industrial establishment” makes it clear that the appellant sugar mill is an industrial establishment. However, the fact remains that the second respondent/workmen are seasonal employees and their employment is of a seasonal character and work being performed intermittently. When these factors are not disputed either before the Competent Authority or the writ Court, there is no other reason to invoke Section 2(3) of the Act, 1981, for granting relief.

8. When the nature of employment has been defined under Section 1(3) of the Act, 1981 the applicability of the Act, 1981 to an industrial establishment must be decided at first instance before granting the relief of permanent status.



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

9.In the present case, the appellant is an industrial establishment under Section 2(3) of the Act, 1981, but the employment of the second respondent workmen are seasonal in character and they are engaged only intermittently, more specifically, during the crushing seasons.

10.In view of the facts and circumstances, we find force in the contentions raised by the appellant in the present Writ Appeals. Consequently, the orders impugned in the Writ Petitions and the orders of the Competent Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 are set aside. Accordingly, the Writ Appeals are allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [G.A.M.,J.]
21.08.2025

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



W.A(MD)No.918 of 2024 etc., batch

WEB COPY

To

The Deputy Director of Industrial Safety and Health,
II – Circle, Madurai,
Authority under the (CPSW) Act.



WEB COPY



W.A(MD)No.918 of 2024 etc., batch

S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.A(MD)Nos.918, 919, 922, 923, 924,
925, 926, 928, 929, 930, 931, 932,
933, 934, 935 & 936 of 2024

DATED : 21.08.2025