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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM**AND****THE HON'BLE MR.JUSTICE C.KUMARAPPAN****WA No. 3705 of 2025**

M.Subramanian
S/O.P.Madakannu Asari, No.82/5, Yadavar
Street, Near Thanapuram R.C.School,
Tuticorin-628002

..Appellant(s)

Vs

1. The Presiding Officer
The Central Government Industrial Tribunal-
Cum-Labour Court, Chennai.
2. Tuticorin Port Trust
Rep. By Its Chairman, Tuticorin
3. Tuticorin Port Trust Employees Organisation
Rep. By Its General Secretary K.Kathamuthu,
94, Koilpillai Nagar, Thermal Nagar Post,
Tuticorin-628006
(R3- suo-motu impleaded as per order dt.1.3.2019
made in CMP.5258/2019 in WASR.2174/2019)

..Respondent(s)

To set aside the order passed by this Hon'ble Court in
W.P.No.18072/2003 dated 11.12.2012 and allow this Writ Appeal and thus
render justice.

For Appellant(s):

Mr.C. Samivel

For Respondent(s):

R1 - Court

R2- No Appearance.

R3 Dispensed with vide Court Order dt.
21.11.2025.



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ORDER

(Order of the Court was made by C.Kumarappan J.)

The present writ appeal is filed assailing the order of the learned single Judge dated 11.12.2012 passed in W.P.No.18072/2003.

2. The prayer sought for by the appellant is for regularisation. The learned single Judge, after having gone into various aspects, has recorded that the petitioner has not satisfied the minimum eligibility criteria of completing atleast 240 days on muster roll, including the broken period of service, during each of the two years of service as stipulated in the office memorandum.

3. We deem it appropriate to extract the reasons stated by the learned single Judge as under:

9. As noticed above, the specific instructions had been given by the Government of India, by office memorandum, dated 12.07.1985, by which all the earlier instructions were consolidated and it is seen that none of the seven workmen, whose claim was canvassed by the petitioner Union satisfied the minimum of two years continuous service as NMR in Tuticorin Port Trust and none of the seven workmen had put in atleast 240 days on muster roll including broken period of service, during each of the two years of



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service as stipulated in the office memorandum. Further, in terms of the settlement dated 18.10.1978, the employers agreed to regularize all NMR after the formation of the Port Trust of Tuticorin subject to fulfillment of the recruitment rules and pending formation of the Port Trust, they agreed to regularize 25 NMR labourers by November 1978 and 15 more by the end of January 1979 and 10 more by the end of March 1979. The workmen, whose claim is canvassed by the petitioner Union, were not covered in the said settlement and there was nothing on record to show that the same should be applied in future cases by way of absorption. Further more, as per the decision taken by the Government of India bearing decision No.35 in Article 26 of CSR Vol I, there is no provision for absorption of services straightway and there is no possibility for engaging NMRs without their names being sponsored through the employment exchange. Further, the Tribunal observed that the petitioner Union was registered only on 26.10.1989 and it cannot raise an industrial dispute on behalf of NMR, who said to have worked during 1979 to 1983. However, the learned counsel for the petitioner submitted that even an unregistered Union can take up the case of the workmen. In my view this question need not be gone into , since the Tribunal considered the order of reference and clearly recorded a finding the workmen, whose case was represented by the petitioner



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Union were not entitled for regularization/absorption in terms of the settlement dated 18.10.1978 and the second respondent having taken action as per the official memorandum issued by the Government of India, the retrenched workmen were not entitled for any direct absorption as claimed by petitioner Union.

4. In view of the categorical finding of the learned single Judge, we do not find any reason to interfere with the order passed in the writ petition. Therefore, the present Writ Appeal stands dismissed. No costs.

(S.M.S.,J.) (C.K.,J.)
09-02-2026

VSI

To

1. The Presiding Officer
The Central Government Industrial Tribunal-Cum-Labour Court,
Chennai.
2. The Chairman,
Tuticorin Port Trust, Tuticorin.



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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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