



WEB COPY

WP No. 4452 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On: 05-06-2026

Pronounced On: 23.06.2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 4452 of 2024

and

WMP.No.4808 of 2024

The Management Of
Tamil Nadu Transport Corporation Kovai(Ltd)
(Erode Region) No.47, Chennimalai Road
Erode-638 001.

..Petitioner(s)

Vs

1. V.Sadasivam
2. The Assistant Commissioner Of Labour
(Enforcement) Authority Under The Tamil
Nadu Industrial Establishment (conferment Of
Permanent Status Act To Workmen) 1981,
Erode.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Certiorari to call for the records relating to the order in Claim Application No.Na.Ka-B/ 340/ 2022 dated 30.06.2023 passed by the 2nd respondent herein and quash the same.

For Petitioner(s): Mr.T.Chandrasekaran

For Respondent(s): Mr.M.Selvam for R1
Mr.R.Chakkravarthy Government Counsel for R2

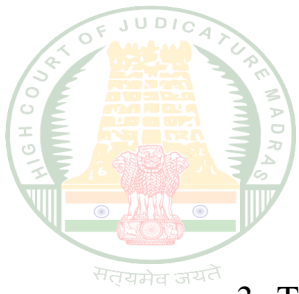


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ORDER

The petitioner, being the Management of the Tamil Nadu State Transport Corporation, has filed the present Writ Petition, aggrieved by the order passed by the 2nd Respondent viz. The Assistant Commissioner of Labour (Enforcement) Authority in Claim Application No. Na.Ka.B/340/2022, granting permanent status to the workman, retrospectively from date of completion of 480 days of duty.

2. The brief facts of the case are that the employee, Mr. V. Sadasivam (the 1st Respondent) was appointed as Daily Wage Conductor on 07.03.2008, which was a temporary appointment. Subsequently, the 1st respondent – employee was also granted permanency of service vide letter dated 03.07.2013, with retrospective effect from 13.05.2013. Since then, the 1st respondent – employee had been in service as a permanent employee. However, subsequently, the respondent employee had instituted a Claim Petition before the Labour Commissioner, claiming that he had completed 240 days of service in all years since employment and he had completed 480 days of service in two consecutive years, and hence he is eligible to grant of permanency of service from the date of employment, i.e. 07.03.2008 onwards.



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3. The 2nd Respondent, having analysed the records, passed the impugned order dated 30.06.2023, granting the relief of regularisation with retrospective effect from the date of appointment. Questioning the said order of the 2nd Respondent, the present Writ Petition has been filed. The learned counsel or the petitioner submits that the legal issue regarding the regularisation of such employees is well-settled. The Hon'ble Division Bench of this Hon'ble Court in W.A.(MD). No. 442 of 2025 and etc., batch, held that once an agreement is entered into between the Management of the Tamil Nadu Transport Corporation (Kovai) Limited and the workmen under section 12(3) of the Industrial Disputes Act, 1947, on 31.08.2005, the question of regularisation from the date of their initial appointment does not arise. The relevant portions of the said judgment are extracted hereunder:

“13. With reference to the grounds raised by the respondent – employees, that Section 3 of the Permanent Status Act would be of assistance to the respondent – employees to claim permanent status and the 12(3) settlement is not a bar from them for claiming retrospective permanent status, this Court is of the considered view that the petitioners under the Permanent Status Act were filed after accepting the regularisation in terms of the 12(3) settlement. Section 3 of the Permanent Status Act would have application in respect of the employees whose services were not made permanent. In the present case, the fact remains that the services of the respondent – employees were regularised from the year



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2006 and after a lapse of about ten years, they are seeking retrospective conferment of permanent status only for the period till date on which they were regularised, which is impermissible under law.

14. In any event, the claim set out by the respondent – employees after agreeing to the terms of the 12(3) settlement and after serving for more than ten years as permanent employees cannot be entertained. That apart, the 12(3) settlement is binding on the parties in view of Section 18(3) of the Industrial Disputes Act, 1947, and the said provision has not been considered in the decisions relied on by the learned counsel appearing for the respondent – employees. Filing of a petition under the Permanent Status Act is an afterthought decision taken by the respondent – employees and therefore, this Court is inclined to interfere with the impugned orders passed by the Writ Court”.

4. The facts of the present case are squarely covered by the judgment of the Division Bench of this Court in the aforesaid case. In light of the law laid down by the Hon’ble Division Bench of this Court, the impugned award dated 30.06.2023 by the 2nd Respondent in Claim Application No. Na.Ka.B/340/2022 dated 30.06.2023, is hereby set aside. Accordingly, the Writ Petition stands allowed. Consequently, the connected miscellaneous petition is closed. No costs.

K.SURENDER, J.
23-06-2026
(½)

Index: Yes/No
Speaking/Non-speaking order



Neutral Citation: Yes/No
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To

1. The Assistant Commissioner Of Labour
(enforcement) Authority Under The Tamil Nadu Industrial Establishment
(conferment Of Permanent Status Act To Workmen) 1981, Erode.



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K.SURENDER, J.

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**Pre-delivery Order in
WP No. 4452 of 2024**

**23-06-2026
(1/2)**