



WEB COPY

WP No. 6330 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. 6330 of 2024
and WMP.No.7036 of 2024**

1. The Managing Director
Tamil Nadu State Transport Corporation (kovai
Kottam) Ltd., No.37, Mettupalayam Road,
Coimbatore- 641 043.
2. The General Manager
Tamil Nadu State Transport Corporation, Erode
Region, No.45, Chennimalai Road, Erode- 638
001.

..Petitioner(s)

Vs

1. P.Sasikumar
2. The Assistant Commissioner Of Labour
(enforcement) Authority Under The Tamil
Nadu Industrial Establishment Act, 1981
(conferment Of Permanent Status), 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 Impugned order passed by the 2nd Respondent in Claim Application No. Na.Ka. B/ 1462 / 2018 dated 31-10- 2022, 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 Petition No. Na.Ka.Aa./1462/2018, 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. P. Sasikumar (the 1st Respondent) was selected as a Reserve Conductor after an interview dated 17.12.2014 and was appointed as Reserve Conductor on 28.02.2015, which was a temporary appointment. Subsequently, the 1st respondent - employee had instituted a Claim Petition before the 2nd Respondent, claiming that he had completed 240 days of service in all years since employment and that as on 02.03.2016, he is entitled to grant of permanency in service, and that as on 28.03.2017, he had completed 480 days of service in two consecutive years. By virtue of the same, it was the claim of the respondent before the Labour Commissioner that he be granted permanency in service retrospectively from 28.03.2017 onwards. Resultantly, the said Claim Petition was allowed as vide order dated 31.10.2022 and the 1st respondent was declared a permanent



employee with retrospective effect from 28.03.2017. Aggrieved by the said order, the present writ petition has come to be filed by the petitioner corporation.

3. The Learned Counsel for the petitioner would submit that, during pendency of the proceedings before the 2nd respondent, the 1st respondent - employee was granted permanency vide letter dated 29.04.2022, with retrospective effect from 31.10.2021, and that the 2nd Respondent, ought not to have entertained the claim petition further. The Learned Counsel for Petitioner would also submit that there exists a 12(3)-settlement dated 31.08.2005 between the Petitioner Corporation and its employees, by virtue of which, the Petitioner's employees are regularised on as and when vacancy arises. He would also place reliance on the judgment delivered by a Division Bench of this Hon'ble Court in W.A.(MD). No. 442 of 2025 and etc., batch, where it was 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 –



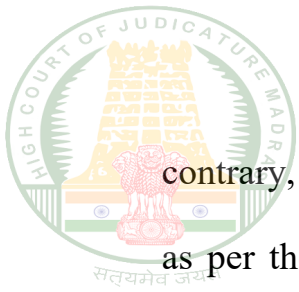
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employees to claim permanent status and the 12(3) settlement is not a bar from them for claiming retrospective permanent status, this Court is of the considered view that the petitioners under the Permanent Status Act were filed after accepting the regularisation in terms of the 12(3) settlement. Section 3 of the Permanent Status Act would have application in respect of the employees whose serve were not made permanent. In the present case, the fact remains that the services of the respondent – employees were regularised from the year 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 however, are not similar and hence cannot be said to be covered by the aforesaid judgment of the Division Bench. The case before the Hon’ble Division Bench was a case where the employees had enjoyed their status as permanent employees for a considerable number of years, prior to filing a claim application before the concerned authority. To the



contrary, in the present case, the 1st respondent – employee was not regularised as per the permanent status act, and had within a reasonable amount of time, resorted to filing of the claim petition which resulted in the impugned order. If anything could be said to have been an afterthought, the act of the petitioner in granting permanency pending disposal of the claim petition could be said so. Hence, placing reliance on the aforesaid judgment of the Hon'ble Division Bench for the present facts and circumstances, is misconceived and cannot be entertained.

5. Hence, this court, does not find any reason to interfere with the impugned order of the Labour Commissioner granting permanency to the respondent, retrospectively w.e.f. 28.03.2017.

6. Accordingly, the Writ Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

K.SURENDER, J.
23-06-2026

(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JAI



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K.SURENDER, J.

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To

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

**Pre-Delivery Order in
WP No. 6330 of 2024**

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