



WEB COPY

WP No. 11359 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 08.06.2026

Pronounced on : 11.06.2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

**WP No. 11359 of 2023
and WMP.No.11253 of 2023**

The Management of
Tamil Nadu State Transport Corporation (Kovai)
Limited, No.37, Mettupalayam Road,
Kovai-641 043.

..Petitioner(s)

Vs

General Secretary
Tamil Nadu State Transport Corporation
Paniyalargal Sammellanam Kovai Region,
Kovai-641 039.

..Respondent(s)

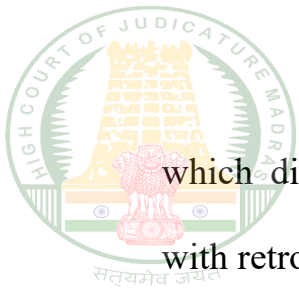
Prayer: This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Certiorari to call for the records relating to the Award made in I.D.No. 98 of 2019 dated 28-11-2022 on the file of the Principal Labour Court, Coimbatore, and quash the same.

For Petitioner(s): Mr.T.Chandrasekaran

For Respondent(s): Mr.D.Soundar Raj

ORDER

The petitioner, being the Management of the Tamil Nadu State Cooperative Society, has filed the present Writ Petition, aggrieved by the order passed by the Principal Labour Court, Coimbatore, in I.D. No. 98 of 2019,



which directed the regularisation of the employee, namely Sampath Kumar, with retrospective effect from 23.12.1998.

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2. The brief facts of the case are that the employee, Sampath Kumar, was selected as a Driver on 05.08.1998. Thereafter, he was sent for training on 11.12.2000, and payroll No. 018465 was allotted to him, which was a temporary appointment. Meanwhile, the Government imposed a ban on fresh engagements and the regularisation of employees in the petitioner's Corporation. Subsequently, the petitioner Corporation and the Management reached an agreement, and all issues regarding the regularisation of services of the existing employees were settled under Section 12(3) of the Industrial Disputes Act, 1947, on 31.08.2005. Pursuant to the said settlement, the employee, Sampath Kumar, along with others, were regularised with effect from 01.07.2007, under a new payroll No. 018525.

3. The respondent-employee approached the Labour Court by raising an industrial dispute in I.D. No. 98 of 2019 before the Principal Labour Court, Coimbatore, claiming regularisation with effect from 23.12.1999. It is pertinent to note that the benefits of regularisation had already been extended to him in terms of the settlement arrived at under Section 12(3) of the Industrial Disputes



Act between the petitioner Management and the employees.

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4. The Labour Court, having analysed the records, passed the impugned order dated 28.11.2022, granting the relief of regularisation from 23.12.2019. Questioning the said order of the Labour Court, the present Writ Petition has been filed.

5. The learned counsel for the petitioner submits that the legal issue regarding the regularisation of such employees is well-settled. The Hon'ble Division Bench of this 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 State 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 for them for claiming retrospective permanent status, this Court is of the



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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 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.”



6. The facts of the present case are squarely covered by the judgment of the Division Bench of this Court in W.A.(MD).No.442 of 2025 and etc., batch.

In the light of the law laid down by the Hon'ble Division Bench of this Court, the impugned award dated 28.11.2022 passed by the Principal Labour Court, Coimbatore, in I.D. No. 98 of 2019, is hereby set aside.

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

K.SURENDER, J.
11-06-2026

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

JAI

To
General Secretary
Tamil Nadu State Transport Corporation
Paniyalargal Sammellanam Kovai Region,
Kovai-641 039.



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**Pre-Delivery Order in
WP No. 11359 of 2023**

11-06-2026