



W.A.(MD)No.348 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)No.348 of 2026
and
C.M.P.(MD)No.3232 of 2026

The General Manager,
Tamil Nadu State Transport
Corporation Madurai Ltd.,
Madurai Region,
(Madurai Division) Limited,
Bye Pass Road,
Madurai-625 010.

...Appellant

Vs.

1.The Assistant Commissioner of Labour,
(Prohibition),
Virudhunagar,
Virudhunagar District.

2.V.Balaji

...Respondents

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to
set aside the order passed by this Court in W.P.(MD)No.22646 of 2022
dated 30.06.2025.

For Appellants : Mr.S.Gladson Michael Rajadurai



W.A.(MD)No.348 of 2026

For Respondents : Mr.A.Kannan (R1)
Additional Government Pleader
Mr.R.Praveena (R2)

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order passed by the learned Single Judge in W.P.(MD)No.22646 of 2022, the present writ appeal is filed.

2.The respondent was appointed as Reserve Crew Driver in the petitioner Corporation on 05.08.2015. He has completed 480 days of service within a period of 24 calender months. Therefore, he filed an application before the Assistant Commissioner of Labour on 01.02.2019 seeking conferment of permanent status. The said application has been objected by the appellant Management on the ground that there is a settlement under Section 12(3) of the Industrial Dispute Act between the writ petitioner and the appellant Management to the effect that as and when the reserve drivers complete 480 days, they have to be appointed as a daily wage driver. The further contention of the appellant Management is that without appointing the Reserve Drivers as a daily wager, they



W.A.(MD)No.348 of 2026

cannot be conferred with permanent status or absorbed as a regular employee. That apart, the workman involved in an accident on 04.06.2018 and therefore, the workman is not entitled to seek any absorption as regular employee. However, the Assistant Commissioner of Labour having arrived at a finding that the workman has completed 480 days of service in 24 calendar months, held that the workman is entitled to be made as permanent from 25.12.2016 onwards. The appellant management aggrieved by the said order, filed the writ petition.

3.The Writ Court having held that any settlement under Section 12(3) of the Industrial Disputes Act would not be a legal impediment for the authority to confer permanent status upon the workman, dismissed the writ petition filed by the Management. Challenging the same, the present writ appeal is filed.

4.Heard the submissions made by the learned counsel appearing on either side and perused the entire materials placed on record.



W.A.(MD)No.348 of 2026

5. Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act provides that notwithstanding anything contained in any law for the time being in force every workman who is in continuous service for a period of four hundred and eighty days in a period of twenty four calendar months in an industrial establishment shall be made permanent. The explanation makes it very clear that for the purpose of this section, 'law' includes any award, agreement, settlement, instrument or contract of service whether made before or after the commencement of this Act.

6. In view of the above said provision, even there was any settlement as contended by the learned counsel for the appellant, that will not have any effect. This has been clarified in the above said provision.

7. Admittedly, the second respondent has completed 480 days of service in 24 calendar months and hence, he filed an application before the Commissioner seeking permanent status. The learned Single Judge having considered all these aspects, has dismissed the writ petition.



W.A.(MD)No.348 of 2026

8.We do not find any reason to interfere with the said order.

Accordingly, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
01.04.2026

Index :Yes/No
Internet :Yes
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To

The Assistant Commissioner of Labour,
(Prohibition),
Virudhunagar,
Virudhunagar District.



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W.A.(MD)No.348 of 2026

**N.SATHISH KUMAR, J.
AND
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W.A.(MD)No.348 of 2026

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