



W.P(MD)No.21909 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21909 of 2022

Chinnathambi

... Petitioner(s)

vs.

1.The Presiding Officer,
Labour Court,
Trichy District.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichirappalli Zone,
Transport Department,
Periyamilaguparai,
Trichirappalli District.

3. The Inspector of Labour,
Mannarpuram,
Trichy District.

... Respondent(s)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to quash the impugned order in ID No.54/2010 dated 28.09.2021 passed by the Respondent No.1 and consequently direct the Respondent No.1 to reinstate the petitioner to his original post of driver with consequential financial benefits as per the order passed by the Respondent No.3 vide Na.Ka.A/1214/2003 dated 09.01.2004 within the time stipulated by this Court.

For Petitioner : Mr.M.M.Iqbal
For R1 & R3 : Mr.R.Ramasamy, Counsel for State
For R2 : Mr.S.C.Herold Singh

ORDER

Assailing the order dated 28.09.2021 passed in ID No.54 of 2010 by the Labour Court, the present writ petition has been filed by the petitioner.

2.The petitioner joined the services of the respondent Corporation as a Driver in the year 2001. He had rendered his services without any adverse



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remarks. While so, on 28.06.2003, when the petitioner was on duty at Puliampatti, a cyclist, allegedly under the influence of alcohol, dashed against the bus driven by the petitioner. Immediately thereafter, the petitioner reported the incident to the police as well as to the higher authorities of the respondent Corporation.

3. According to the petitioner, having rendered more than 480 days of continuous service within a period of two calendar years, he became entitled to conferment of permanent status. Since the respondent Corporation failed to confer permanent status, the petitioner approached the third respondent by filing an application under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. By order dated 09.01.2004, the third respondent allowed the petition and directed conferment of permanent status in favour of the petitioner. Aggrieved by the said order, the respondent Corporation filed W.P.(MD) No.4393 of 2004 before this Court. The said writ petition came to be dismissed by order dated 27.07.2007. Challenging the same, the respondent Corporation preferred W.A.(MD) No.711 of 2008, which was also dismissed by judgment dated 18.12.2009, thereby confirming the order



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4. Despite the aforesaid orders, the respondent Corporation did not extend the consequential benefits to the petitioner. Consequently, the petitioner raised an industrial dispute in I.D. No.54 of 2010 before the first respondent, seeking reinstatement into service with effect from 28.06.2003. The first respondent, by award dated 18.06.2015, dismissed the industrial dispute. Thereafter, the petitioner filed I.A. No.4 of 2021 seeking restoration of I.D. No.54 of 2010. The said interlocutory application was dismissed by the first respondent on the ground that the award in the industrial dispute had been passed on merits after affording sufficient opportunity to both parties and that it was not an *ex parte* award. Challenging the said order, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that the order passed by the third respondent conferring permanent status upon the petitioner had attained finality, as the challenge made by the respondent Corporation before this Court as well as in the writ appeal had been rejected. However, while adjudicating I.D. No.54 of 2010, the first respondent failed to



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take note of the said order, which vitiates the award. It was therefore contended that the dismissal of the restoration petition is unsustainable and the learned counsel prayed for appropriate orders.

6. Per contra, the learned Standing Counsel appearing for the second respondent/Transport Corporation submitted that the award in I.D. No. 54 of 2010 had been passed on merits after a full-fledged adjudication. Therefore, the petitioner could not have sought restoration of the industrial dispute by filing I.A. No. 4 of 2021. Accordingly, he prayed for the dismissal of the writ petition.

7. This Court has carefully considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

8. The challenge in the present writ petition is only to the order passed by the first respondent dismissing I.A. No.4 of 2021, whereby the petitioner sought restoration of I.D. No.54 of 2010. It is not in dispute that the award in the industrial dispute was passed on merits after affording sufficient



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opportunity to both parties. Therefore, the question of restoring the industrial dispute, as if it had been dismissed for default or by way of an *ex parte* award, does not arise. In such circumstances, this Court finds no reason to interfere with the impugned order passed by the first respondent.

9. Accordingly, the writ petition stands dismissed. However, liberty is granted to the petitioner to work out his remedy in respect of the order passed by the third respondent, in the manner known to law. There shall be no order as to costs.

30.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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M.DHANDAPANI,J.

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**ORDER MADE IN
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