



W.P(MD)No.22646 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22646 of 2022

and

W.M.P(MD)No.16806 of 2022

The General Manager,
Tamil Nadu State Transport Corporation
Madurai Limited,
Madurai Region,
(Madurai Division) Limited,
Bye Pass Road, Madurai-10.

... Petitioner

Vs.

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

2.V.Balaji

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order, dated 12.08.2020 passed by the first respondent in Na.Ka.No.Aa/395/2019 as illegal and quash the same.



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For Petitioner : Mr.J.Senthil Kumaraiah
Standing Counsel

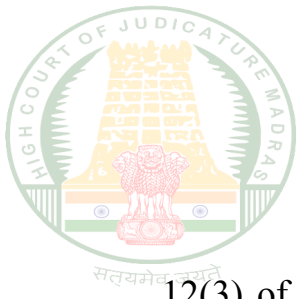
For R-1 : M/s.D.Farjana Ghoushia
Special Government Pleader

For R-2 : Mr.S.Arunachalam

ORDER

The present writ petition has been filed by the Management of the Tamil Nadu State Transport Corporation, Madurai Region challenging the order passed by the first respondent herein under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 [Hereinafter referred to as "Tamil Nadu Act 46 of 1981"] conferring permanent status upon the second respondent.

2. The second respondent herein was appointed as a Reserve Crew Driver in the petitioner Transport Corporation on 05.08.2015. Alleging that he has already completed 480 days of service within a period of 24 months, the second respondent has filed an application before the first respondent on 01.02.2019 seeking conferment of permanent status. This application was resisted by the petitioner Management on the ground that, there is a settlement under Section



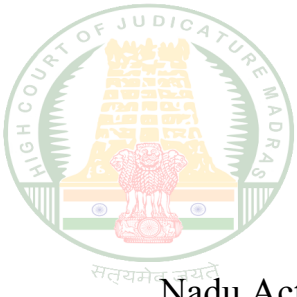
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12(3) of the Industrial Disputes Act, 1947 to the effect that, as and when the reserve drivers complete 480 days, they have to be appointed as a daily wage driver. Without appointing them as a daily wagger, they cannot be conferred with a permanent status or absorbed as a regular employee within the Transport Corporation. The Management further contended that the workman was involved in an accident on 04.06.2018 and therefore, he is not entitled to seek any absorption as a regular employee.

3. The authority under the Tamil Nadu Act 46 of 1981 arrived at a finding that the employee has completed 480 days of service within a period of 24 months as contemplated under the Act. The authority further found that the second respondent is entitled to be made permanent from 25.12.2016 onwards. Challenging the same, the present writ petition has been filed by the Management.

4. The learned Standing Counsel appearing for the petitioner Management submitted that, in view of the settlement reached between the Trade Unions and the Management under Section 12(3) of the Industrial Disputes Act, the petitioner cannot approach the authority under the Tamil



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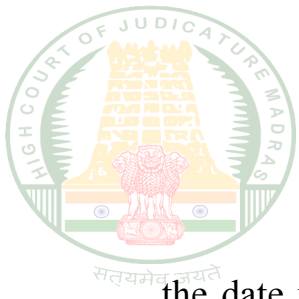
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Nadu Act, 46 of 1981. As and when he completes 480 days of service within 24 months, he has to be appointed as a daily wager. The question of conferring permanent status or absorbing him into the regular employment does not arise. Without considering the said settlement, the authority has entertained the application and has passed the present order.

5. Per contra, the learned Counsel appearing for the second respondent relying upon the RTI reply by the petitioner Management [marked as Exhibit P.8] submitted that the Management has admitted that the petitioner has completed 654 days on the date when an application was presented before the authority. The accident having taken place after completion of 480 days, and therefore, the same should not be taken into consideration for conferring permanent status. Hence, he prayed for conferring the order passed by the authority.

6. Heard both sides and perused the materials available on record.

7. Exhibit P.8 would clearly reveal that the second respondent herein has completed 480 days of continuous service within a period of 24 months as on



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the date when he filed an application before the first respondent. There is no other legal impediment for conferring permanent status upon him. Any settlement under Section 12(3) of the Industrial Disputes Act would not be a legal impediment for the authority under the Tamil Nadu Act 46 of 1981 for passing an order conferring permanent status upon the workman. In such circumstances, as this Court does not find any reason to interfere with the order passed in W.P(MD)No.22646 of 2022 filed by the Management, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

30.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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



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R.VIJAYAKUMAR, J.

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