

D.Rajaram Vs Inspector of Labour

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Court : Chennai

Decided On : Apr-17-2025

Judge : Honourable Mr Justice M.Dhandapani

Appeal No. : WP/8994/2019

Appellant : D.Rajaram

Respondent : Inspector of Labour

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI and
WMP.No.21089 of 2019 W.P.No.8994 of 2019:

1. D.Rajaram
2. K.Dakchinamurthy
3. M.Arumugam

4. V.Ravi
5. S.Velayutham
6. N.Kumaravel
7. M.Palani
8. P.Mani
9. M.Arul
10. K.Arulsekhar
11. K.Dakchinamurthy
12. M.Sekar
13. P.Shanmugam
14. R.Rajavelu
15. N.Thamin Basha
16. E.Ravichandran
17. K.Murugan
18. E.Kumar
19. R.Bakthavachalan
20. R.Kannan
21. N.Sivaji Ganesan
22. A.Ashmathullah Page No.1 of 11
23. M.Alibek

24. S.Sankar

25. C.Rajaram

26. V.Vijayarangan

27. L.Ramamurthy

28. K.S.Ayyanaar ...Petitioners Vs.

1. Inspector of Labour, Tamilnadu Industrial (Conferment Permanent Status Act), Villupuram.

2. Tamilnadu State Transport Corporation Ltd., Villupuram - 605 602.
...Respondents

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 02.12.2015 in Na.Na.No.195/2013 passed by the 1st respondent, quash the same insofar as dismissing their applications for conferment of permanency and consequently direct the 2nd respondent to confer their permanency from the date of completion of 480 days of service in 24 calendar months from the date of joining in term of section (3) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 with all consequential benefits, award costs.

Page No.2 of 11 W.P.No.21876 of 2019:

1. Bakthavachalam

2. S.Damodaran

3. P.Babu

4. K.Chandramurthy

5. R.Durai

6. E.Vallal

7. V.Mohanarangan

8. S.Palanivel

9. V.Balasubramanian ...Petitioners

1. Inspector of Labour, Tamilnadu Industrial (Conferment Permanent Status Act), Villupuram.

2. Tamilnadu State Transport Corporation Ltd., Villupuram - 605 602. ...Respondents

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 02.12.2015 in Na.Ka.No.195/2013 passed by the 1st respondent, quash the same insofar as dismissing the petitioners applications for conferment of permanency and consequently direct the 2nd respondent to confer their permanency from the date of completion of 480 days of service in 8 calendar months from the date of the petitioners joining in terms of Section (3) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 with all consequential benefits, award costs. Page No.3 of 11

W.P.No.5558 of 2020: V.Dhanasekar ...Petitioner Vs.

1. Inspector of Labour/ Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, Villupuram.

2. Tamil Nadu State Transport Corporation (Villupuram) Ltd., Villupuram - 605 602. ...Respondents

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 02.12.2015 in Na.Ka.No.195/2013 passed by the 1st respondent, quash the same insofar as dismissing the petitioner application for conferment of permanency and consequently direct the 2nd respondent to confer their permanency from the date of completion of 480 days of service in 24 calendar months from the date of his joining in terms of Section (3) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 with all consequential benefits, award costs. In all W.P's. For Petitioner : Mr.V.Ajoy Khose For Respondents : Mr.M.Aswin, for R2 : Mr.K.Surendran, AGP, for R1 Page No.4 of 11

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. These Writ petitions have been filed seeking quashment of the order

dated 02.12.2015 made in Na.Ka.No.195/2013 on the file of the 1st respondent in and by which the permanency sought for by the petitioners have been negated.

3. For brevity, the petitioner(s) in all these Writ petitions are referred to as the 'workmen' and the 2nd respondent in all these Writ petitions are referred to as the 'management'.

4. The case of the workmen is that they were appointed in the

corporation as in various capacities between 1997-99, however, their services were not regularised immediately after completion of 480 days and they were not given permanent status and were regularised only in the year 2006. Thereafter, the workmen herein filed petitions under Section 3 of the Page No.5 of 11 Conferment of Permanent Status Act before the 1st respondent seeking

conferment of permanency and the 1st respondent, vide its order dated 02.12.2015 rejected the said petitions. Challenging the same, the petitioners have come up with these Writ petitions.

5. Learned counsel for the workmen submitted that the impugned order

passed by the 1st respondent is contrary to the order made in W.P.(MD).Nos.27374 of 2022 & etc., batch of cases dated 14.02.2023, wherein this Court has held that there is no limitation prescribed for filing application seeking Conferment of Permanent Status and the same was also confirmed by the Hon'ble Division Bench of this Court in Writ Appeal No.569 of 2022 dated 17.03.2022. Accordingly, he prayed for similar orders to be passed in these Writ petitions as well.

6. Per contra, the learned counsel appearing on behalf of the

management submitted that, though the workmen herein claim that they joined the services of the management during the period between 1997-1999 and that their services were regularised only in the year 2006 and not Page No.6 of 11

immediately after completion of 480 days, however, there is no whisper from the workmen to show as to what prevented them from filing application under the Conferment of Permanent Status Act immediately upon completion of 480 days and they have filed the said applications only in the year 2013, viz., after a lapse of 7 years from the date of their regularisation. Further, the new pension scheme was introduced on 01.04.2003 and only in order to avail the benefit of old pension scheme, the workmen herein have wantonly filed the present application seeking permanency. The said act of the workmen is highly condemnable and if this Court grants permanency, it will create anomaly, which cannot be resolved and the persons who were regularised prior to 2006 would be affected by the same and there may be flooding of similar writ petitions by persons, who are similarly placed like the petitioners. Accordingly, he

prayed for dismissal of these Writ petitions.

7. This Court gave its careful consideration to the submissions advanced by the learned counsel on either side and perused the materials available on record.
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8. The undisputed fact remains that the petitioners were regularised in the year 2006. However, they claim permanent status from the year 1997-

1999. True it is that there is no limitation for filing a petition claiming

permanent status as held in the decisions cited by the petitioners. But, it is the duty cast upon the petitioners to give reasons for the delay in claiming the said relief of permanency. Though it is not a question of limitation, but it is a question of prudence, moreso, when it is the specific case of the Management that the claim for permanency by the petitioners from 1997-1999 is only to claim the benefit of the old pension regime. If really the petitioners were on the rolls of the Management during the aforesaid period, necessarily they ought to have filed petition claiming such relief at the earliest point of time. The petitioners, not only kept silent from 1997-1999 till their regularisation in the year 2006, but also thereafter from 2006 for almost 7 years before filing the present petition for claiming permanent status. The petitioners cannot pick and choose their time without stating reasons merely on account of the fact that there is no limitation prescribed for filing such application.

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9. As rightly pointed out by the learned counsel for the management,

the present application has been filed after a delay of several years and if the same is allowed, it will create unrest between the employees and also will create anomaly in the pension scheme, but will also pave the way for further litigations on the basis of this order. Therefore, the claim made by the petitioners was rightly rejected by the court below with

which this Court is in complete agreement.

10. Though this case has to be dismissed for the reasons aforesaid,

however, this Court is tied down by the directions issued in W.P.(MD).Nos.27374/2022, etc., Batch, relied on by the petitioners, wherein wherein he benefit of old pension scheme, seniority and backwages was not granted but only the benefit of employer contribution alone to the provident fund of the employee was granted by a coordinate Bench of this Court and, therefore, to maintain judicial discipline, this Court also rejects the benefit of old pension scheme, seniority and backwages but grants only the benefit of employer contribution to the provident fund of the employee with continuity of service in favour of the workmen herein.

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11. These Writ petitions are allowed to the extent indicated above with the above observations and directions. No costs. Consequently, the connected miscellaneous petitions, if any, are closed. 17.04.2025 skt Index : Yes/No Speaking Order : Yes/No NCC : Yes/No To:

1. Inspector of Labour, Tamilnadu Industrial (Conferment Permanent Status Act), Villupuram.

2. Tamilnadu State Transport Corporation Ltd., Villupuram - 605 602. Page No.10 of 11

M.DHANDAPANI, J.

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