

(2003) 01 MAD CK 0141

In the Madras High Court

Case No : Writ Petition No's. 16440 to 16447 of 2001 and W.M.P. No's. 24442 to 24456 of 2001

Management of Ashok Leyland Ltd.

APPELLANT

Vs

R. Bhaskar and Others

RESPONDENT

Date of Decision : 30-01-2003

Acts Referred:

Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Rules, 1981 — Rule 6(4)

Citation : (2003) 3 LLJ 376

Hon'ble Judges : K. Govindarajan, J

Bench : Single Bench

Advocate : Sanjay Mohan, for the Appellant; K.V. Dhanapalan and K. Mahendran, S.G.P., for the Respondent

Final Decision : Dismissed

Judgement

K. Govindarajan, J.—The petitioner-company filed the above writ petition challenging the order of the Deputy Chief Inspector of Factories passed under Rule 6(4) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Rules, 1981, dated May 17, 2001, under which the Deputy Chief Inspector directed the petitioner to confer permanent status on the petitioners as per the annexure therein. This order was passed at the instance of the first respondent in each case.

2. According to them, they were appointed as trainees in the production department for a period of two years in the petitioner industrial establishments. The services as trainees would stand terminated at the end of two years. But, they were allowed to continue to work even after completion of two years' training without break in service, resulting that they are in continuous service for a period of 480 days in a period of 24 calendar months, entitling them to be conferred with permanent status by the petitioner.

3. While dealing with the similar matter, the Apex Court in T.N. Civil Supplies

Corpn. Workers Union Vs. T.N. Civil Supplies Corpn. Ltd. and Others, held that even if the services of the workmen are terminated and even if the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Rules, 1981, apply, the remedy to such terminated workmen would be to file appropriate proceedings against the order of termination. It is not in dispute, in this case, the first respondent in each case approached the Labour Court against the order of termination and the matter is pending before the Labour Court. In view of the said fact and also in view of the judgment of the Apex Court, the impugned order cannot be sustained, though it is passed on merits without considering the issue pending before the Labour Court at the instance of the first petitioner in each case. The Labour Court has to decide the matter on merits and in accordance with law notwithstanding the disposal of these writ petitions.

4. With the above observation, the writ petitions are dismissed. Consequently, connected WMPs are closed. No costs.