
(2014) 09 MAD CK 0317

In the Madras High Court

Case No : Writ Petition No. 5778 of 2014 and M.P. No. 1 of 2014

The Regional Manager

APPELLANT

Vs

D. Sekar

RESPONDENT

Date of Decision : 22-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0317

Hon'ble Judges : D. Hari Paranthaman, J

Bench : Single Bench

Judgement

D. Hari Paranthaman, J.—The petitioner is the Tamil Nadu Civil Supplies Corporation Limited (Shortly "TNCSC") which is fully owned by the Government of Tamil Nadu.

2. The respondents 1 to 3 herein are in employment from 01.08.1997 onwards with the writ petitioner. But they were not made permanent on completion of 480 days as provided under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. Hence, they approached the fourth respondent, the concerned authority under the aforesaid Act to declare that they should be conferred permanent status on completion of 480 days.

3. Before the fourth respondent, the writ petitioner herein filed counter statement. After hearing both sides, the fourth respondent passed an order dated 16.08.2013 conferring permanent status to the respondents 1 to 3.

4. Challenging the aforesaid order dated 16.08.2013 of the fourth respondent, the petitioner has filed this writ petition.

5. Heard both sides.

6. As per Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, a workman, who is in continuous service for a period of 480 days in a period of twenty four calendar months in an industrial establishment shall be made permanent.

7. In this regard, it is relevant to extract paras 3 and 4 of the counter statement filed by the writ petitioner before the fourth respondent, which reads as follows:

"3. This respondent submits that it is true that the petitioner was already employed as a casual labourer in the Diesel Bunk run by this respondent at Tirupattur from August 1997 purely on temporary casual labourer without any future benefits. This respondent further submits that on the request of the petitioner and other this respondent had addressed the Tamil Nadu Civil Supplies Corporation Head Office, at Chennai for engaging the casual labourers working at Tirupattur Diesel Bunk to appoint them as Casual Labourers against the post of Carway Boys and to pay daily wages to them as per the rates fixed by the District Collector, Vellore for the year 2008-2009.

4. This respondent further submits that as per the orders of the Head Office in R.C. No. ALB4/56702/07 dated 11.2.2009, this respondent had appointed the petitioner and 2 others as Casual Labourers against the post of Carway Boys and further instructed the Junior Assistant who is working at Tirupattur Diesel Bunk to engage them as directed and further in the order itself it was clearly stated that the same is purely temporary and is liable to be terminated at any time without assigning any reason therefore and also specifically stated that the petitioners are not entitled to any other benefits. Hence this respondent submits that either the petitioner or the others who were appointed as casual labourers under daily wages scheme are not entitled to any service benefits and they are not liable to be made permanent. Hence the petition filed by the petitioner is liable to be dismissed in limini."

8. The writ petitioner has admitted that the respondents 1 to 3 herein are working with them from August 1997. Based on the aforesaid counter statement and other materials, the fourth respondent passed the impugned order conferring permanent status on completion of 480 days as per the statute referred to above. It is relevant to extract the following passage in the impugned order:

(Table)

9. The aforesaid declaration of the fourth respondent is virtually accepted by the writ petitioner before the fourth respondent. Therefore, I do not find any infirmity in the order of the fourth respondent and these are factual details found out by the fourth respondent and these factual details are in fact accepted by the writ petitioner before the fourth respondent. Hence, I am not inclined to interfere with the order of the fourth respondent.

10. Accordingly, the writ petition fails and the same stands dismissed. However, the writ petitioner is directed to comply with the order dated 16.08.2013 passed by the fourth respondent within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(Table)This judgments has been sourced from the court website. The tables in the judgment may not be aligned.