

**(2013) 06 MAD CK 0287**

**In the Madras High Court**

**Case No :** Writ Petition No. 16595 of 2013 and M.P. No's. 1 and 2 of 2013

V. Subramanian

APPELLANT

Vs

Tamil Nadu State Transport Corporation Ltd.

RESPONDENT

---

**Date of Decision :** 20-06-2013

**Acts Referred:**

Industrial Disputes Act, 1947 — Section 25F, 25H

**Citation :** (2013) 3 LLJ 500

**Hon'ble Judges :** D. Hariparanthaman, J

**Bench :** Single Bench

**Advocate :** R. Aruldoss, for the Appellant; S. Saravanan, for the Respondent

**Final Decision :** Dismissed

---

## **Judgement**

D. Hariparanthaman, J.—The petitioner is a Conductor in the respondent Corporation. He was given permanency from 4.6.2006 by an order, dated 9.7.2007. The petitioner has questioned the same, stating that the petitioner should have been given permanency on completion of 240 days of service. Heard the learned counsel for the petitioner. The learned counsel for the petitioner has relied on a decision of the First Bench of this Court, dated 8.12.1997 in W.A. Nos. 1294 to 1299 of 1997 in this regard.

2. I have considered the submissions made by the learned counsel for the petitioner. The judgment, dated 8.12.1997 in W.A. Nos. 1294 to 1299 of 1997 has nothing to do with the permanency of workmen concerned in the writ appeals. In that case, the workmen complained that without complying with Sections 25-F and 25-H of the Industrial Disputes Act, they were terminated. The respondent Corporation took a plea that since the workmen were not recruited through employment exchange, Sections 25-F and 25-H could not be attracted. Negating such a plea, the Division Bench directed the Corporation to find out as to whether the workmen have completed 240 days of service or not. If the workmen have completed 240 days of service, a direction was issued to reinstate them with backwages and continuity of service. In case, if they do not complete

240 days of service, a direction was issued to provide employment in accordance with Section 25-H of the Industrial Disputes Act. This has nothing to do with the grant of permanency status to workmen. All the workmen involved in the writ appeals were daily paid employees. Further, the impugned order is only a consequential order. The same is passed on the Government letter No. 21556/C1/2005-3, Transport Department, dated 14.2.2007 and also another proceedings, dated 9.7.2007 of the respondent. Without questioning the Government letter and the proceedings, dated 9.7.2007 of the respondent, the consequential order cannot be questioned. Hence the writ petition fails and the same is dismissed. No costs, Consequently, connected miscellaneous petitions are closed.