



W.P.Nos. 17793 of 2020 & Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

RESERVED ON : 26-02-2026

DELIVERED ON : 10-04-2026

CORAM :

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

**W.P.Nos. 17793 of 2020, 10756 of 2006, 10757 of 2006,
15724 of 2005 and 15725 of 2005**

And

**WMP.Nos. 22067 and 22070 of 2020 and 8314 of 2026, 8318 of 2026
and 8312 of 2026**

W.P.No. 17793 of 2020

P.Poorasami

..Petitioner

Vs

1.The Chairman
Chennai Port Trust, Chennai-1.

2.Administrator,
Chennai Port Trust Industrial Employees
Co-operative Canteen Ltd.,
C.H.P.T Heavy Workshop
E.M.E-1, Office, Chennai-9.

3.The Registrar of Cooperative Societies,
170, E.V.R High Road, Kilpauk,
Chennai-600010.

..Respondents



W.P.Nos. 17793 of 2020 & Batch

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the 2nd respondent in Memo- No. CHPTIECC/ESTT/2020/MEE dated 31.10.2020 and quash the same and consequently direct the respondents herein to continue to employ the petitioner till he attains the age of 60 years as applicable to employees of third respondent in terms of the order dated 24.08.2005, passed by this Hon'ble court in W.P.No. 6872 of 2001 and confirmed by The Hon'ble Supreme Court of India in Civil Appeal No. 1381 of 2010 by its order dated 27.04.2018 and to pass such other or further orders.

For Petitioner : Mr. Balan Haridas

For Respondents : Mr. A.R.L Sundaresan, Senior Counsel

For Mr.M.R.Dharanichander – R1

Mr. L.P. Shanmugasundaram – R2

Mr. V. Umakanth, GA – R3

W.P.No. 10756 of 2006

R.Anandan

..Petitioner

Vs

1.The Chairman
Chennai Port Trust, Chennai-1.

2.The Special Officer,
Chennai Port Trust
Industrial Employees Co-operative Canteen Ltd (Regd)
CH.P.T Workshop, E.M.E.I Office,
Chennai-600009.

..Respondents



W.P.Nos. 17793 of 2020 & Batch

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorarified Mandamus, calling for all relevant records pertaining to the order passed by the Special Officer, Chennai Port Trust Industrial Employees Cooperative Canteen Ltd., Chennai 600009, the 2nd respondent herein, in his proceedings No. Nil dated 16.02.2005 and quash the same insofar as petitioner concerned as illegal, arbitrary, unreasonable being violative of Rules and Principles of Natural Justice and thereby direct the respondents 1 and 2 to reinstate the petitioner into service and regularize the service with effect from the date of their initial appointment with all monetary and service benefits and pass such further or other orders.

For Petitioner : Mr. Balan Haridas

For Respondents : Mr. AR.L Sundaresan, Senior Counsel

For Mr.M.R.Dharanichander – R1

Mr.S.Thirumavalavan – R2

W.P.No. 10757 of 2006

R. Raman

..Petitioner

Vs

1.The Chairman
Chennai Port Trust, Chennai-1.

2.The Special Officer,
Chennai Port Trust
Industrial Employees Co-operative Canteen Ltd (Regd)
CH.P.T Workshop, E.M.E.I Office,
Chennai-600009.

..Respondents



W.P.Nos. 17793 of 2020 & Batch

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorari and Mandamus, calling for the relevant records pertaining to the order passed by Special Officer, Chennai Port Trust Industrial Employees Cooperative Canteen Ltd, Chennai-9, the 2nd respondent herein in his proceedings No. NIL dated 16.02.2005 and quash same as illegal, arbitrary, unreasonable, being violative of Rules and Principles of Natural Justice and thereby the respondents 1 and 2 to reinstate the petitioners into Service and regularise the Service with effect from the date of their initial appointments with all monetary and service benefits and pass such further or other orders.

For Petitioner : Mr. Balan Haridas

For Respondents : Mr. AR.L Sundaresan, Senior Counsel

For Mr.M.R.Dharanichander – R1

Mr.S.Thirumavalavan – R2

W.P.No. 15724 of 2005

1.S.Sampath Kumar

2.P.Poorasami

3.M.Sankar,

4.J.Jayaprakash

5.S.Romeo Shankar (Died)

6.R.Vadivelu (Died)

7.R.Jasinth

8.V.Sridevi

(Petitioners 7 & 8 are substituted as Legal heirs of Deceased 5th & 6th petitioner respectively vide Order of this Court dated 26.02.2026)

..Petitioners



W.P.Nos. 17793 of 2020 & Batch

Vs

WEB COPY

1.The Chairman
Chennai Port Trust, Chennai-1.

2.The Special Officer,
Chennai Port Trust
Industrial Employees Co-operative Canteen Ltd (Regd)
CH.P.T Workshop, E.M.E.I Office,
Chennai-600009.

..Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorari Mandamus, calling for the relevant records pertaining to the order passed by Special Officer, Chennai Port Trust Industrial Employees Cooperative Canteen Ltd, Chennai-9, the 2nd respondent herein in his proceedings No. NIL dated 16.02.2005 and quash same as illegal, arbitrary, unreasonable, being violative of Rules and Principles of Natural Justice and thereby the respondents 1 and 2 to reinstate the petitioners into Service and Regularise the Service with effect from the date of their initial appointments with all monetary and service benefits and pass such further or other orders.

For Petitioners : Mr. Balan Haridas

For Respondents : Mr. AR.L Sundaresan, Senior Counsel

For Mr.M.R.Dharanichander – R1

Mr.S.Thirumavalavan – R2

W.P.No. 15725 of 2005

- 1.J.Elango
- 2.I.Patric Benjamin
- 3.S.B. Linganathan
- 4.M.Ranjith Kumar
- 5.S.Kothandapani



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6.V.Natesan

7.R.Saikannan

8.H. Raja (Died)

9.B.Anand Raj

10. R.Vanaja

(Petitioner No. 10 was substituted as Legal heir of
Deceased 8th petitioner vide
Order of this Court dated 26.02.2026)

..Petitioners

Vs

1.The Chairman

Chennai Port Trust, Chennai-1.

2.The Special Officer,

Chennai Port Trust

Industrial Employees Co-operative Canteen Ltd (Regd)

CH.P.T Workshop, E.M.E.I Office,

Chennai-600009.

..Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorari Mandamus, calling for the relevant records pertaining to the order passed by the Special Officer, Chennai Port Trust Industrial Employees Cooperative Canteen Ltd., Chennai-9, the 2nd respondent herein in his proceedings No.CHPTIECC/ESTT/2005/EME dated 09.02.2005 and quash the same as illegal, arbitrary, unreasonable, being violative of Rules and Principles of Natural Justice and thereby direct the respondents 1 and 2 to reinstate the petitioner into Service and Regularise the Service with effect from the date of their initial appointments with all monetary and service benefits and pass such further or other orders

For Petitioners : Mr. Balan Haridas

For Respondents : Mr. AR.L Sundaresan, Senior Counsel

For Mr.M.R.Dharanichander – R1

Mr.S.Thirumavalavan – R2



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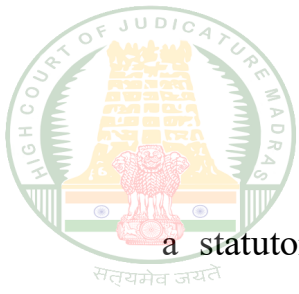
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COMMON ORDER

The challenge in all these writ petitions is to the order dated 09.02.2006 passed by the second respondent. By the said order, the petitioners, who were working as casual labourers in the Chennai Port Trust, were terminated from canteen service.

2. Since the issues involved in all these writ petitions are common, they were heard together and are disposed of by this common order.

3. The petitioners were appointed as attenders in the Chennai Port Trust Industrial Employees Co-operative Canteen Ltd. (*hereinafter referred to as “the canteen” for the sake of brevity*) on 13.10.1997. The petitioners contend that their appointments were made by the Chennai Port Trust through its nominated President. The first respondent was constituted under Section 42 of the Major Port Trusts Act, 1963, and was mandatorily required to provide certain essential services to its workers. Further, in terms of Section 46 of the Factories Act, there is



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a statutory obligation on the part of the first respondent to provide canteen facilities, as more than 2,500 employees were employed as on the relevant date.

4. The petitioners further contend that an official of the first respondent has always functioned as the President or Special Officer of the canteen; that the canteen society was established with the permission of the first respondent; that the canteen is situated within the premises of the first respondent; and that the Board of the second respondent society was approved by the first respondent. In these circumstances, the petitioners, who had put in more than eight years of service, were unilaterally terminated by the impugned order without following due process of law.

5. The Chennai Port Trust Industrial Employees Canteen Workers Welfare Association filed W.P. No. 6872 of 2001 seeking to treat its members, i.e., the employees of the canteen, as regular employees of the first respondent, with all attendant monetary and service benefits from the date of their initial appointment, on par with regular employees of the first respondent. This Court, by order dated 24.08.2005, allowed the writ petition and held that the workmen employed in the canteen ipso facto became regular employees of the first respondent. It was further



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directed that permanent employees of the canteen be treated as direct employees of the first respondent, and that temporary employees of the second respondent society be absorbed as permanent employees from the date on which they became eligible, in accordance with the rules and regulations of the first respondent/Port Trust. The said order has attained finality, as the challenge to it was rejected by the Division Bench as well as by the Hon'ble Supreme Court.

6. Mr. Balan Haridas, learned counsel for the petitioners, submitted that similarly placed workmen who were working on a temporary basis in the second respondent canteen were absorbed as permanent employees pursuant to the order in W.P. No. 6872 of 2001. Therefore, the termination of the petitioners without following due process of law is arbitrary and discriminatory. He submitted that the petitioners are entitled to be absorbed or made permanent on par with those employees who were regularised pursuant to the said order.

7. The learned counsel for the petitioners further submitted that the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act apply to the first respondent, notwithstanding that it is a Central Government undertaking. He contended that the petitioners are entitled to



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be conferred permanent status under the said Act, having completed 480 days of service, and that they were not in “litigious employment” at the relevant point of time.

8. In support of his submissions, he relied upon the following decisions:

- i. Maharaj Krishan Bhatt and another vs. State of Jammu & Kashmir & others [(2009) 9 SCC 24]*
- ii. R. Lakshmi vs. Tamil Nadu Electricity Board and another [(2012) 3 LLN 681].*
- iii. State of Uttar Pradesh vs. Arvind Kumar Srivastava and others [(2015) 1 SCC 347].*
- iv. ONGC Ltd. vs. Petroleum Coal Labour Union and others [(2015) 6 SCC 494].*
- v. S. Selvam vs. Air India Limited and others [W.A. No. 490 of 2020, dated 17.06.2020].*
- vi. Air India Ltd. vs. S. Selvam [SLP Nos. 11418 & 11419 of 2020, dated 11.04.2022].*



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vii. Tuticorin Port Trust Democratic Staff Union v. Tuticorin Port

Trust [W.P. No. 10907 of 1998, dated 26.02.2024].

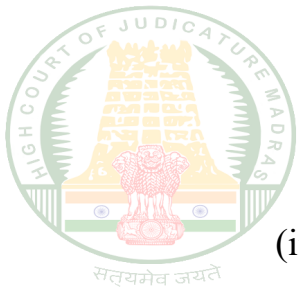
viii. Jaggo v. Union of India [(2024) SCC Online SC 3826].

ix. S. Vijayakumar v. M/s. Larsen & Toubro Ltd. [W.P. No. 19726 of 2023, dated 30.10.2025].

x. Tuticorin Port Trust Democratic Staff Union v. Tuticorin Port Trust [W.A. No. 2254 of 2024, dated 26.11.2025].

9. In response, Mr. AR.L. Sundaresan, learned Senior Counsel appearing for the first respondent/Port Trust, submitted that the writ petitions are not maintainable on the following grounds:

(i) The petitioners are “workmen” within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. Against the order of termination, an efficacious alternative remedy is available under the said Act. Without exhausting such remedy, the present writ petitions are not maintainable. Further, having been terminated from service, the petitioners cannot seek a declaration for conferment of permanent status under the Tamil Nadu Permanent Status Act.



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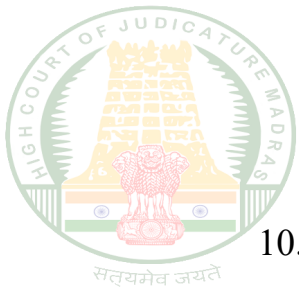
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(ii) The petitioners are employees of the second respondent co-operative society, which is not “State” within the meaning of Article 12 of the Constitution of India. Hence, the writ petitions are not maintainable.

(iii) The petitioners were appointed irregularly, in excess of sanctioned strength, and only on a temporary basis. Therefore, they cannot seek regularisation, absorption, or conferment of permanent status.

(iv) The petitioners are continuing in “litigious employment” under the second respondent canteen and, therefore, are not entitled to claim permanent status.

(v) Only a limited number of workers presently utilise the canteen facilities, and there is insufficient work even for the employees already absorbed, many of whom have been redeployed in various departments of the first respondent.



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10. In support of his submissions, the learned Senior Counsel relied upon the decision of this Court in S. Sivakumar v. The Deputy Inspector of Factories (W.P. No. 17389 of 1999, dated 08.09.2006).

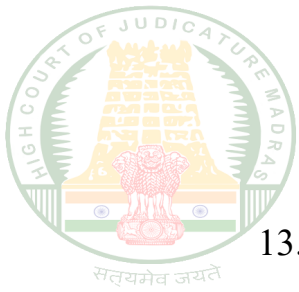
11. Upon hearing the learned counsel on either side, the following points arise for consideration:

I. Whether the writ petitions filed by the petitioners challenging the order of termination and seeking conferment of permanent status are maintainable?

II. Whether the impugned order passed by the second respondent is sustainable in law?

III. Whether the petitioners are entitled to be declared as permanent employees of the respondents?

12. Before advertng to the points for consideration, it is apposite to refer to the observations made by this Court in W.P. No. 6872 of 2001 and in W.A. No. 66 of 2006.



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13. In W.P. No. 6872 of 2001, filed by the Workers Welfare Association, the

Coordinate Bench held that the canteen run in the establishment of the first respondent is a statutory canteen. It was further held that the canteen was under the supervision and control of officers authorised by the first respondent and, therefore, the canteen workers are to be treated as employees of the first respondent—Port Trust. Consequently, it was held that such workers are entitled to be declared as regular employees of the Chennai Port Trust, and the temporary employees working in the canteen were directed to be made permanent in accordance with the rules and regulations of the Port Trust.

14. The said order was carried in appeal by the first respondent in W.A. No. 66 of 2006. The Division Bench, by order dated 21.02.2006, held that there was no dispute on facts and, therefore, it was unnecessary to relegate the workmen to the Industrial Tribunal. The Division Bench further observed that in respect of Tuticorin and Bombay Port Trusts, which are similarly placed, the canteen workers had already secured identical benefits. It was held that denial of similar relief to the present workers would be unreasonable. Accordingly, the writ appeal was dismissed.



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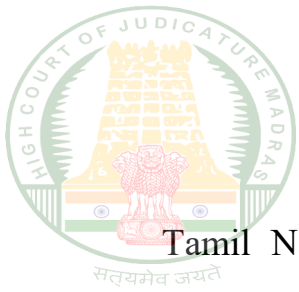
15. Answer to Point No. I

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15.1 The petitioners were initially appointed by the second respondent society. However, in light of the declaration made by the learned Single Judge in W.P. No. 6872 of 2001, as affirmed by the Division Bench in W.A. No. 66 of 2006, the petitioners are to be treated as workmen of the first respondent—Port Trust, which is an instrumentality of the State. Therefore, the writ petitions challenging the order of termination and seeking conferment of permanent status are maintainable.

15.2. The learned Senior Counsel for the first respondent contended that the petitioners ought to have availed the remedy under the Industrial Disputes Act and that, upon termination, they cannot seek permanent status. It was also contended that the Tamil Nadu Permanent Status Act is not applicable to the first respondent, being a Central Government undertaking.

15.3. A similar issue regarding the applicability of the Tamil Nadu Permanent Status Act to Central Public Sector Undertakings was considered by the Division Bench of this Court in *W.A. No. 490 of 2020 (Air India Limited case)*. By order dated 17.06.2020, it was held that Air India Limited, being an entity owned and controlled by the Central Government, is nevertheless subject to the



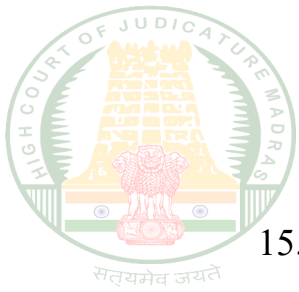
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Tamil Nadu Permanent Status Act unless exempted under Section 9 thereof.

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15.4. The said decision was rendered following the earlier judgment of the Division Bench in *V. Ellayaperumal v. State Bank of India [(2007) 2 LLN 212]*, wherein it was held that while the definition of “establishment” under Section 2(6) of the Tamil Nadu Shops and Establishments Act is incorporated into the Permanent Status Act, the exemption provision under Section 4 of the Shops and Establishments Act is not. Hence, the contention of the first respondent that the Tamil Nadu Permanent Status Act is inapplicable is untenable.

15.5. The reliance placed by the learned Senior Counsel on the decision in *S. Sivakumar v. The Deputy Inspector of Factories (W.P. No. 17389 of 1999, dated 08.09.2006)* is to the effect that, for claiming permanent status under Section 3 of the Act, there must exist a subsisting employer-employee relationship on the date of application, and unless the order of termination is set aside, such relief cannot be sought.

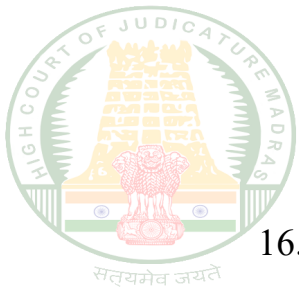


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15.6. The ratio laid down therein is that a workman cannot maintain proceedings for conferment of permanent status unless the termination order is first set aside. However, the said decision is distinguishable on facts. In the present case, the petitioners have directly challenged the order of termination. The contention of the respondent that the petitioners must necessarily approach the Industrial Tribunal is without merit.

15.7 The Division Bench in W.A. No. 66 of 2006 has already held, in the context of the very same establishment, that where there is no dispute on facts, the workmen need not be relegated to the Industrial Tribunal. Further, similarly placed canteen workers in Tuticorin and Bombay Port Trusts have been granted identical relief. The petitioners herein, being similarly situated, cannot be denied the same benefit.

15.8 In *U.P. State Spinning Co. Ltd. v. R.S. Pandey [(2005) 8 SCC 264]*, the Hon'ble Supreme Court held that the existence of an alternative remedy does not oust the jurisdiction of the High Court under Article 226, though ordinarily such jurisdiction should not be exercised where an efficacious alternative remedy exists.



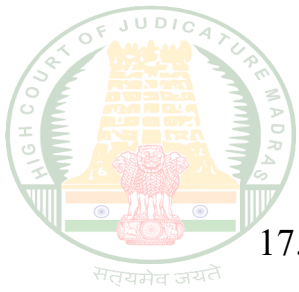
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16. It is well settled that the writ remedy is discretionary. While High Courts ordinarily refrain from entertaining writ petitions in the presence of alternative remedies, such restraint is not absolute. In the present case, given the admitted facts and prior binding precedents, this Court is inclined to exercise its jurisdiction.

17. Answer to Point No. II & III

17.1 The petitioners have produced proceedings of the first respondent dated 28.01.2015, which disclose that 46 casual attenders were engaged from 1991 onwards. Of these, 18 were regularised, 13 were either discharged or deceased, and 15 were continuing in service. The sanctioned strength of the canteen is 119, whereas the present working strength is only 70, including 15 casual attenders. Therefore, the contention that there are no vacancies is factually incorrect.

17.2 In ***R. Lakshmi v. Tamil Nadu Electricity Board [(2012) 3 LLN 681]***, it was held that a workman who has completed 480 days of continuous service within 24 calendar months acquires a statutory right to permanent status under Section 3(1) of the Act, and such right cannot be denied merely because no formal order was passed by the employer.



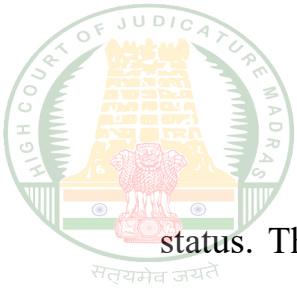
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17.3 Further, in *State of Uttar Pradesh v. Arvind Kumar Srivastava [(2015)*

WEB *1 SCC 347*], the Hon'ble Supreme Court held that similarly situated persons cannot be discriminated against merely because they did not approach the Court earlier, subject to exceptions such as delay and laches.

18. In the present case, the termination of the petitioners, on the face of it, is vitiated for non-compliance with the principles of due process and is therefore arbitrary and discriminatory. The petitioners approached this Court promptly in the year 2005, immediately after their termination. The writ petition filed by the Welfare Association in W.P. No. 6872 of 2001 was also decided around the same period.

19. The contention that the petitioners are in “litigious employment” and have not completed the required period of service is also untenable. The petitioners had been in service from 1997 and, as on the date of termination, had completed more than 480 days of service within 24 calendar months. Therefore, they are entitled to permanent status under Section 3 of the Tamil Nadu Permanent Status Act. This is not a case of regularisation contrary to the principles laid down in *State of Karnataka v. Umadevi*, but one of statutory conferment of permanent



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status. Therefore, the benefits extended to similarly placed workers must also be extended to the petitioners; otherwise, it would result in arbitrariness and violate Articles 14 and 16 of the Constitution of India.

20. In view of the above discussion, this Court is of the considered opinion that the termination of the petitioners, who were designated as casual labourers, without following due process of law, is illegal. As on the date of termination, the petitioners had completed more than 480 days of service within 24 calendar months and had thus acquired the status of permanent employees.

21. Accordingly, the following order is passed:

- i. The writ petitions are allowed. The respondents are directed to confer permanent status on the petitioners with effect from the date on which they completed 480 days of service within 24 calendar months and to extend all attendant service benefits. However, the petitioners shall not be entitled to arrears of salary up to the date of this order.



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ii. The petitioners shall be entitled to salary on par with regular employees from the date of completion of 480 days of service within 24 calendar months till they attain the age of superannuation. In respect of those petitioners who have already retired, they shall be entitled to pension and other terminal benefits on par with regular employees.

iii. This order shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

iv. Consequently, the connected miscellaneous petitions are closed.

There shall be no order as to costs.

10 .04.2026

Index : Yes
Internet : Yes
Speaking Order
Neutral Citation : Yes

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To

1.The Chairman
Chennai Port Trust,
Chennai-1.

2.The Administrator,
Chennai Port Trust Industrial Employees
Co-operative Canteen Ltd.,
C.H.P.T Heavy Workshop
E.M.E-1, Office,
Chennai-9.

3.The Registrar of Cooperative Societies,
170, E.V.R High Road,
Kilpauk,
Chennai-600010.



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W.P.Nos. 17793 of 2020 & Batch

HEMANT CHANDANGOUDAR, J.

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**W.P.Nos. 17793 of 2020, 10756 of 2006,
10757 of 2006, 15724 of 2005 and 15725 of 2005**

10.04.2026