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W.A.Nos.2254 & 3121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.Nos.2254 & 3121 of 2024
and CMP.No.23900 of 2024

W.A.Nos.2254 of 2024

Tuticorin Port Trust Democratic Staff Union,
Affiliated to CITU,
Represented by Secretary Thiru.P.Sampath,
No.16, Masilamanipuram
III Street, Toothukudi-628008.

...Appellant

Vs.

Tuticorin Port Trust,
Tuticorin,
Represented by its Chairman,
Tuticorin-4.

...Respondent

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 26.02.2024 in W.P.No.10907 of 1998 insofar as confining the relief of absorption only to the employees were on the rolls as on the date of filing of the Writ Petition and insofar as not extending the same relief to the 13 workmen who joined the canteen subsequent to the filing of the Writ Petition and insofar as not granting the monetary benefits up to the date of the order and for a direction to absorb all the canteen



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employees numbering 69, including the 13 employees who joined after filing of the Writ Petition from the date of their joining as regular employees of the respondent Port Trust and to grant entire monetary benefits, including the terminal benefits upto the date of the impugned order.

For Appellant : Mr.V.Ajoy Khose

For Respondent : Mr.R.Yashod Vardhan, Sr. Counsel
for Mr.S.Yashwant, Standing Counsel

W.A.Nos.3121 of 2024

Tuticorin Port Trust,
Tuticorin,
Represented by its Chairman,
Tuticorin-4.

...Appellant

Vs.

Tuticorin Port Trust Democratic Staff Union,
Affiliated to CITU,
Represented by Secretary Thiru.P.Sampath,
No.16, Masilamanipuram
III Street, Toothukudi-628008.

...Respondent

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the impugned order passed by the learned Judge of this Court in W.P.No.10907 of 1998 dated 26.02.2024.

For Appellant : Mr.R.Yashod Vardhan, Sr. Counsel
for Mr.S.Yashwant, Standing Counsel

For Respondent : Mr.V.Ajoy Khose



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COMMON JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH,J)

These Writ Appeals have been filed to set aside the impugned order passed in W.P.No.10907 of 1998 dated 26.02.2024.

2.It is the case of the Tuticorin Port Trust Democratic Staff Union that the canteen at the Tuticorin Port Trust was established in the year 1973 and though the canteen is under the pervasive control of the Port Trust, the canteen workers have not been absorbed till date. With this broad claim, they had filed a Writ Petition in W.P.No.10907 of 1998, seeking for issuance of Writ of Mandamus, directing the Port Trust to absorb the departmental canteen workers as the employees of the Port Trust with consequential benefits, including regular pay scale and other benefits. The learned Single Judge, by an order dated 26.02.2024, had allowed the Writ Petition and directed the Port Trust to absorb the departmental canteen workers of the Port Trust canteen from the date of filing of the Writ Petition. But, however, ordered the backwages to be paid only from the date of the order passed in the Writ Petition. These directions in the Writ Petition are as follows:-

“24. In fine, this Writ Petition is allowed by



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directing the respondent to absorb the departmental canteen workers working in the Port Trust canteen managed by the Tuticorin Port Trust Canteen Management Committee. Since, the petitioner had approached this Court only in the year 1998, I am of the view that the workers who were on the rolls of the departmental canteen as on the date of filing the Writ Petition would alone be entitled to relief. The respondent is directed to prescribe the Rules and Regulations and service conditions of such canteen workers including their pay and other attendant benefits, within a period of three (3) months from the date of receipt of a copy of this order.

(b)The respondent may also take into consideration the pay scale prescribed by the Chennai Port Trust in that aspect. The respondent shall also take into consideration the Rules and Regulations prevailing at Chennai Port Trust or in other Ports.

(c)It is also made clear that employees so declared will be entitled for fixation of salary based on the said Rules and Regulations only notionally and they would be entitled to actual monetary benefits from the date of this order.

(d)In case, any of the employees who worked were on the rolls as on date of filing of this Writ Petition all have superannuated thereafter their salary



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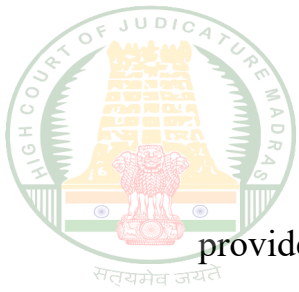


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shall also be calculated notionally and their terminal benefits be paid on notionally arrived at last drawn salary to them within a period of eight (8) weeks from the date of finalising of the Rules and Regulations as indicated supra.”

3.The learned Senior Counsel appearing for the Port Trust submitted that the canteen was established by a group of workers and is run by the Canteen Management Committee (CMC). According to him, there are no separate provision of expenditure of the canteen in the Port Trust budget and the Rules framed by the CMC are also not subject to the prior or post approval of the Chairman of the Board. Even the disciplinary proceedings against the canteen workers are conducted by the CMC and the Port Trust has no role in the same. All the pervasive control were only by way of a patronage, which cannot be claimed as total control of the canteen by the Port Trust.

4.The learned counsel appearing on behalf of the Staff Union submitted that under a 12(3) Settlement of the Industrial Disputes Act (ID Act), dated 06.12.1994, in which the Tuticorin Port Trust was also a signatory, it was specifically agreed that the canteen facilities would be



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provided to its employees. According to him, the Administrator of the Port

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Trust had also accorded permission for establishing the departmental canteen in the year 1973 itself. The office bearers of CMC was also nominated by the Administrator of the Port Trust. In identical circumstances, the Chennai Port Trust canteen workers were also absorbed as the Chennai Port Trust employees under Court orders, in the case of ***Chennai Port Trust Vs. Chennai Port Trust Industrial Employees Canteen Workers Welfare Association and Others*** reported in (2018) 6 SCC 202.

5.We have given our careful consideration to the submissions made by both the counsels.

6.The claim of the canteen workers that they were appointed in the year 1973, pursuant to the proceedings of the then Chief Engineer and Administrator, is not disputed by the Port Trust. The establishment of the departmental canteen appears to be after due sanction was accorded by the Chief Engineer and Administrator of the Port Trust, through his proceedings dated 19.07.1973. Apart from according sanction, the authority had also nominated office bearers for the Canteen Committee, in which the



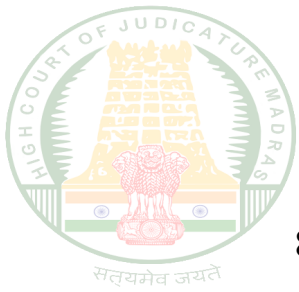
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Executive Engineer (Mechanical Division), the Secretary, Tuticorin

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Harbour Project, and two other staff of the Port Trust were nominated as office bearers. On 06.12.1994, a settlement under Section 12(3) of the ID Act was signed, whereby the Tuticorin Port Trust, along with other major Ports, had accepted to provide canteen facilities to its employees. Thus, when the Chief Engineer and the Administrator of the Port Trust has accorded sanction to establish a departmental canteen and had also nominated the office bearers from among the staff of Port Trust and all official communications of the Port Trust have been referred to the canteen as "Departmental Canteen", the learned Single Judge had rendered a finding that the canteen had been established by the Port Trust only as a departmental canteen. We are also in agreement with such a finding.

7. Corroborating these facts, after the departmental canteen was established in the year 1973, Tuticorin Port Trust had also entered into a 12(3) settlement, accepting to provide canteen facilities to its employees. The terms of the settlement has not been superseded in any subsequent settlement, which fact was also recorded by the learned Single Judge in the impugned order.



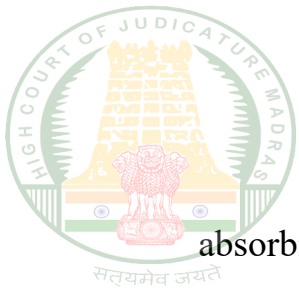
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8. With regard to the pervasive control of the Port Trust over the

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canteen, the learned Single Judge had taken into consideration that the canteen was established in the year 1973 and the nomination of the office bearers of the canteen committee was also made by them. Similarly, when NMRs were sought to be regularized as a regular canteen employee, the Committee had sought for the approval of the Chairman of the Port Trust for regularization. The learned Single Judge had further found that there are no independent procedure through which the CMC was to be constituted and the canteen is run by subsidy and every decision of the CMC was only after prior approval of the Chairman of the Port Trust. All these factors clearly demonstrate that the Port Trust had pervasive control over the CMC.

9. In identical circumstances, when the canteen workers of the Chennai Port Trust had sought for treating the canteen employees to be the regular employees of the Port Trust, the Hon'ble Supreme Court in ***Chennai Port Trust's case (supra)*** had approved the decisions of the Writ Court, as well as the Division Bench, which had placed reliance in the case of ***Indian Petrochemicals Corpn. Ltd Vs. Shramik Sena*** reported in ***(1999) 6 SCC 439***. With such approval of the High Court's order for



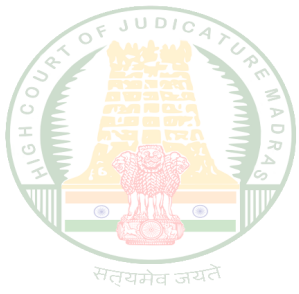
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absorbing the canteen workers as Port Trust workers, it was held as

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“15. We find no fault in the aforementioned findings recorded by the Division Bench as, in our view, these findings were recorded on the basis of undisputed facts and documents on record of the case. That apart, these findings were recorded keeping in view the facts involved and law laid down by this Court in Indian Petrochemicals [Indian Petrochemicals Corpn. Ltd. v. Shramik Sena, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138].

16. Mere perusal of the decision rendered in Indian Petrochemicals [Indian Petrochemicals Corpn. Ltd. v. Shramik Sena, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138] would go to show that in that case also, somewhat similar question, which is the subject-matter of this appeal, had arisen at the instance of the employees working in the canteen. This Court (three-Judge Bench [Indian Petrochemicals Corpn. Ltd. v. Shramik Sena, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138]) elaborately examined the question and took note of the relevant undisputed facts, which had bearing over the question, granted the reliefs to the employees concerned.



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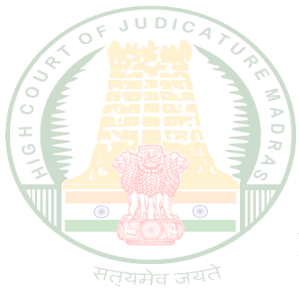


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17. *In our considered opinion, the approach and the reasoning of the two courts below (the writ court and the Division Bench) while deciding the writ petition and the appeal arising out of the writ petition keeping in view the law laid down by this Court in Indian Petrochemicals [Indian Petrochemicals Corpn. Ltd. v. Shramik Sena, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138] is just, proper and legal.*

18. *In other words, if on the undisputed facts, this Court has granted benefit to the canteen workers in Indian Petrochemicals [Indian Petrochemicals Corpn. Ltd. v. Shramik Sena, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138] then there is no reason that on the same set of undisputed facts arising in this case, the Court should not grant the benefit to the employees/workers in this case. It is more so when no distinguishable facts are pointed out in this case qua Indian Petrochemicals case [Indian Petrochemicals Corpn. Ltd. v. Shramik Sena, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138].*

19. *We are, therefore, in agreement with the approach, reasoning and the conclusion arrived at by the two courts below.”*



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10.Both the Employees' Union, as well as the Port Trust, have challenged the order of the learned Single Judge passed in W.P.No.10970 of 1998. The Management of Tuticorin Port Trust is aggrieved against the order directing for absorption of the canteen workers as Port Trust workers, while the Employees' Union are aggrieved against the restriction of such absorption only from the date of filing the Writ Petition and the monetary benefits from the date of the order passed in the Writ Petition.

11.This is the second round of litigation, wherein the orders passed in the earlier rounds were remanded back to the Writ Court by the Hon'ble Supreme Court, and considerable time was spent in between. The learned Single Judge had also taken into account that though the canteen was established in the year 1973, the Association had approached this Court only in the year 1988 and therefore restricted the absorption from the date of filing the Writ Petition. In this background, the monetary benefits were also ordered only from the date of the order passed in the Writ Petition, i.e., from 26.02.2024.

12.We are of the view that the order of the learned Single Judge, both ordering absorption of the canteen workers as Tuticorin Port Trust



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workers and restricting the absorption from the date of filing the Writ

WEB COPY Petition and the consequential monetary benefits from the date of the order

passed in the Writ Petition, is justifiable. Consequently, no interference may be warranted to the order passed in the Writ Petition.

13.In the result, both the Writ Appeals stand dismissed. In view of dismissal of the Writ Appeals, the Management of Tuticorin Port Trust shall comply with the directions made in W.P.No.10970 of 1998, dated 26.02.2024, within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]
26.11.2025

Index: Yes
Neutral Citation: Yes
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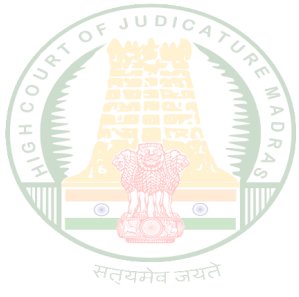


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To
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1.The Chairman,
Tuticorin Port Trust,
Tuticorin,
Tuticorin-4.

2.The Secretary,
Tuticorin Port Trust Democratic Staff Union,
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No.16, Masilamanipuram
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