



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 22561 of 2024

and

WMP No.24575 of 2024

The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Pallavan House, Pallavan Salai,
Chennai-600 002.

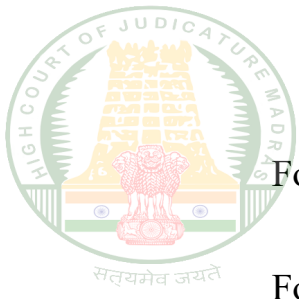
..Petitioner(s)

Vs

1. T.Manokaran
2. The Assistant Commissioner of Labour- 2
(Enforcement) Authority Constituted under Tamil
Nadu Industries Establishment, (Conferment of
Permanent Status Act to Workmen) 1981
Nandanam, Chennai-600 035.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorari, to call for the records relating to the order passed in
Case No. 4027 of 2019 dated 01.08.2022 passed by the 2nd Respondent herein
and to quash the same.



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For Petitioner(s): M/s. C.Gauthama Raj

For Respondent(s): Mr.G.Vijaypriyan for R1
for M/s.R.Krishnaswamy
Mr.R.Murthi for R2
Government Advocate

ORDER

This petition has been filed challenging the order dated 01.08.2022 passed in Case No.4027 of 2019 by the 2nd respondent herein and to quash the same as being illegal, arbitrary and without jurisdiction.

2.The case of the petitioner is that the first respondent was initially engaged on a temporary basis as a Reserve Crew Driver on a stop-gap arrangement and was subsequently appointed as a daily wage driver on 24.12.2000. The first respondent was later granted regularisation with effect from 01.07.2006 pursuant to the 12(3) Settlement dated 31.08.2005. It is the further case of the petitioner that, in view of the Government ban order dated 05.07.2001, no fresh appointments or regularisations could be made during the currency of the ban period. After a lapse of 18 years, the first respondent filed a claim petition under Conferment Permanent Status Act, in Case No.4027 of



2019 before the second respondent seeking regularisation. However, the second respondent, without appreciating the counter statement and without any supporting documents from the applicant erroneously passed the impugned order directing regularisation. Hence the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that the issue involved in the present writ petition is no longer *res integra*, as the same has already been decided by the Hon'ble Division Bench of this Court in W.A(MD) No.442 of 2025 etc., batch. In the said judgment, the Hon'ble Division Bench of this Court held that the employees having accepted the terms of the 12(3) settlement and served for about ten years, cannot turn around at one fine morning and file a petition under the Permanent Status Act claiming retrospective permanent status on completion of 480 days of continuous service till the date on which they were regularised in the sanctioned post. It was further held that a person, who has slept over his rights, cannot wake up at one fine morning and claim such benefits and in the ordinary circumstances, such claims are to be construed as stale. Further, this Court had also passed a detailed order with regard to the Conferment of Permanent Status in W.P No.7191 of 2024 etc., Batch. Accordingly, he prayed for appropriate orders.



4.Per contra, the learned counsel appearing for the first respondent would submit that, admittedly the first respondent had entered into service as a temporary driver in the year 2000, and that his services were regularised only in the year 2006. As per Conferment of Permanent Status Act, the first respondent was entitled to be made permanently upon after completion 480 days within a calendar year, however, the same was not done by the petitioner Corporation. Subsequently, on the basis of legal advice, the first respondent filed a petition under said Act, which came to be allowed. Hence, the said order does not warrants any interference. Accordingly, he prayed for dismissal of the petition.

5.Heard the learned counsel on either side and perused the materials available on record.

6.This Court in W.P No.7191 of 2024 etc. batch cases, held as follows:

25. It is not disputed by the respondents that based on the settlement arrived at between the Unions and the Corporation on 31.8.2005, the respondents, who were daily wagers and working as temporary/casual drivers and conductors were absorbed on



completion of 240 days of continuous service and regularised in the service in the year 2006.

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26. It is also not disputed by the respondents that they were working as temporary/casual drivers and conductors in the Corporation. The continuity of service of the said respondents from the time of their entry in the post on temporary basis is not spelt out. However, the issue is not on the continuity; rather, it is on the plea that the respondents were considered for permanency on completion of 240 days of service on the basis of the 12 (3) settlement entered into between the Unions and the Corporation and, accordingly, they were made permanent in service and such service was regularised in the year 2006.

27. It is not disputed by the respondents that they were made permanent on absorption and, thereafter, regularised in the service of the Corporation on and from the year 2006 and that the said absorption and regularisation and permanency was on the basis of the settlement entered into between the Unions and the Corporation on 31.8.2005. Therefore, the whole process of permanency of the respondents is guided by the terms of the settlement, but for which their status would have remained temporary, in which case, the respondents could have had the benefit of knocking on the doors of the Authority seeking permanency. However, prior to the entering into settlement, the respondents had not initiated any proceedings



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claiming permanency before the Authority; rather, even immediately after the settlement, the respondents have not initiated any claim for permanency; rather after becoming permanent and holding the post for almost a decade and a half, the respondents have raked up the claim for permanency.

28. It is to be noted that once permanency has been granted based on the settlement entered into u/s 12 (3) of the Industrial Disputes Act, to which the respondents are party through the Union, the respondents cannot turn back and seek for permanency from a previous date as on the crucial date, viz., the date of claiming permanency, the respondents were already permanent workmen on the rolls of the Corporation.

37. Be that as it may. After obtaining permanent status in the year 2006, the respondents have not taken any steps for seeking permanency anterior in point of time, but had come before the Court after about 17 years seeking permanency, which writ petition also they withdrew for going before the Authority. Though liberty was granted for moving the Authority, the question that stares writ large on the respondents is the delay in taking the said step.

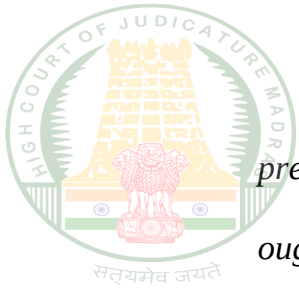
38. True it is that Act, 1981 does not impose any embargo or fetters by fixing any period of limitation for moving the plea for seeking permanent status. However, it should not be lost sight of



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that even if no limitation is fixed, necessarily when the respondents have been made permanent even in the year 2006 and if really they felt aggrieved that they should have been granted permanency even prior to 2006, then the respondents should have approached the Authority at the earliest point of time. However, the respondents kept silent and had approached this Court about 17 years after they have been made permanent. Further, they seek the benefit on the basis of the order passed in respect of other persons dated 31.3.2005, yet, they were granted permanency on the basis of the settlement dated 31.08.2005 and they had not questioned the said permanency by pointing out to the order obtained by the other persons and had kept silent for more than a decade and a half before taking action in the matter.

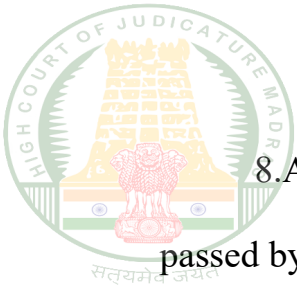
39. Though there is no period of limitation prescribed under Act, 1981, still prudence warrants this Court to find out the reason for such a long delay on the part of the respondents to approach this Court. Though the delay cannot be put against the respondents, but definitely the bona fides of the respondents could be tested on the basis of the reasons submitted for the delay. If really the respondents were basing their case on the orders passed in respect of other workmen, it is to be pointed out that the said order was passed on 31.3.2005, which is much prior to the date of the settlement on 31.8.2005. Even otherwise, the respondents, if



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pressing their claim on the basis of the order dated 31.3.2005, ought to have filed the application before the Authority at the earliest point of time upon their permanency in the year 2006 by claiming that they should have been granted permanency even from a date anterior in point of time by relying on the order dated 31.3.2005. However, the respondents having kept silent for 17 long years, though there being no period of limitation prescribed, the respondents are bound to establish their bona fides in making the claim for permanency, which they have miserably failed. It could very safely be held that the respondents have not come to the Court with clean hands by expressing the reason for the delay and the said act clearly casts a shadow of doubt in the mind of this Court with regard to act of the respondents.

7. In view of the decision rendered by the Hon'ble Division Bench of this Court in W.A(MD) No.442 of 2025 Batch Cases and the judgment of this Court in W.P No.7191 of 2024, this Court is inclined to set aside the impugned order passed by the second respondent herein.



8. Accordingly, this writ petition stands allowed and the impugned order passed by the second respondent is set aside. No costs. Consequently, connected miscellaneous petition is closed.

22-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma

To

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M.DHANDAPANI, J.

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