



W.P.No.33069 of 2022

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and W.M.P.No.32476 of 2022

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ABDUL QUDDHOSE, J.

1. The petitioner / Management has filed this writ petition challenging the impugned order under which the respective private respondents have been conferred permanent status as per the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act and Rules, 1981.

2. Learned counsel for the petitioner by taking the Court to the impugned order would submit that despite the fact that the petitioner had filed the following documents (a) the registration certificate obtained in accordance with the contract labour act, (b) contractor licences (c) copy of wages and pay roll register, the first respondent has ignored the same and has given a finding that the petitioner / management does not have any documentary evidence to substantiate the claim that they are not the employer of the respective respondents and it is only the licensed contractor.

3. Learned counsel for the petitioner, on instructions, would submit that, the petitioner undertakes that the respective private respondents shall continue to work as contractor's



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employees till final orders are passed in this writ petition. The said undertaking given by the petitioner / management is recorded.

4. Since a prima facie case has been made out on account of the fact that the first respondent has given an erroneous finding that the petitioner had not filed any documentary evidence to substantiate the case that they are not the employer of the private respondents even though they had filed the aforementioned documents which is extracted in the impugned order, this Court is inclined to grant an order of interim stay of the impugned order subject to the condition that the petitioner / management shall not disturb the services of the respective private respondents till final orders are passed in this writ petition.

5. Issue notice to the respondents returnable by 11.01.2023. Private notice is also permitted.

6. List on 11.01.2023.

08.12.2022

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