

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19231/2005

(From the judgement and order dated 18/07/2005 in WA No. 1335/2005 of The HIGH COURT OF MADRAS)

S. JAGANNATHAN & ANR.

Petitioner(s)

VERSUS

COMMISSIONER, TANJORE MUNICIPALITY &ORS.

Respondent(s)

(With prayer for interim relief )

Date: 26/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr.B. Balaji, Adv.

Mr. Satya Mitra Garg,Adv.

For Respondent(s)

Mr.A.K.Ganguli, Sr.Adv.

Mr.R. Ragupathi, Adv.

Mr. P.R. Kovilan, Adv.

Mr. T. Harish Kumar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Learned Single Judge of the High Court passed the following order:

" In that view of the matter, I am of the considered opinion that the petitioners are

entitled to the benefit of the provisions of the Tamil Nadu Industrial Establishments (Conferment of

Permanent Status to Workmen) Act, 1981. Therefore, except to permit the authorities constituted under

the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 to

enquire into the matter and pass appropriate orders within six months from the date of filing of such

application by the petitioners, no further orders are required in these writ petitions. However, it is made

clear that till appropriate orders are passed by the authorities constituted under the Tamil Nadu

Industrial Establishments (Conferment of Permanent Status to Workmen), Act 1981, the respondents

are restrained from terminating the services of the petitioners, unless and until they are otherwise

disqualified to continue in service. The writ petitions are disposed of accordingly. No cost."

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The Division Bench of the High Court on appeal made from the order of the learned Single

Judge substituted the said paragraph 8 by a direction " that the writ petitioners' applications for

getting the benefit of the provisions of the Tamil Nadu Industrial Establishments (Conferment of

Permanent Status to Workmen), Act, 1981 shall be decided by the concerned authority preferably

within a period of one month of production of a copy of this order before the concerned authority in

accordance with law...."

The petitioners-herein did not question the finding of the learned Single Judge to the effect

that an inquiry is required to be made by the respondents-herein for the purpose of passing appropriate

orders within six months from the date of filing of such application but whereas the learned Single

Judge protected the services of the petitioners-herein, the Division Bench did not say anything

thereabout.

Having heard learned counsel for the parties, we are of the opinion that in the facts and

circumstances of the case it would be appropriate that the petitioners be given liberty to approach the

Division Bench for clarification. The special leave petition is dismissed. It will be open to the

respondents- herein to bring the other relevant material to the notice of the High Court, if any.

Lata Bhardwaj)

(Meenu Sethi)

(Pushap

ourt Master

Court Master

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