

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13800 of 2016

And

W.M.P.No.12113 of 2016

1.L.Balakrishnan
2.M.Manikandan
3.P.Karthikeyan
4.G.Pon Gurusamy
5.R.Partiban
6.P.Sathishkumar
7.P.Sugumar
8.R.Rameshkumar
9.C.Lakshmanan
10.M.Anbalagan

... Petitioners

Vs.

1. The Chief Engineer
TANGEDCO Ltd.,
Mettur Thermal Power Plant I,
Mettur Dam,
Salem District 636 406

2. The Superintending Engineer/
Operations/Manager,
Mettur Thermal Power Plant I,
Mettur Dam,
Salem District 636 406

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to not deny work to the petitioners without following the due procedures of law consequent on the order of the competent Authority under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to workmen) Act 1982 made in the proceedings No.A/ 4600/ 2011 dated 17.11.2015 for regularization of the services of the Petitioners and award costs.

For Petitioners : Mr.S.Ayyathurai

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

The petitioners who are 10 in number have filed this writ petition seeking a direction to the respondent TANGEDCO not to deny employment to them pending implementation of the order passed by the Joint Director of Industrial Safety and Health/ Salem conferring permanent status on them.

2. Infact, there were totally 21 persons who approached the said Authority seeking relief of conferment of permanent status and the Authority has passed order conferring permanent status and the petitioners also filed writ petition seeking implementation of the order and the said writ petition in W.P.No.4583 of 2016 was disposed of by this Court by issuing certain directions. It is stated that since the petitioners herein had moved the earlier writ petition, now they have been denied employment whereas, the remaining 11 persons are now continued to be given employment on daily wages.

3. In order to ascertain the factual position, the learned Standing Counsel appearing for the respondents was directed to get instructions in this matter.

4. Today, when the matter is heard, the learned Standing Counsel appearing for the respondents submitted that so far as the 11 persons who are now being engaged on temporary basis, they are working under Tenderer and the tender work is still in progress, whereas, the employment which was given to the petitioner, in respect of the tender, the work order is over and therefore, they have not been given employment till now.

5. In any event, there will never be a dearth of employment in the board that too when they are engaging the services of the petitioners on daily wages. Therefore, there will be a direction to the second respondent to continue to employ the petitioners' on daily wages subject to the outcome of the challenge which they have proposed to make to the order passed by the Joint Director of Industrial Safety and Health/ Salem dated 17.11.2015. The above direction is to be implemented by the second respondent within a period of two weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer
TANGEDCO Ltd.,
Mettur Thermal Power Plant I,
Mettur Dam,
Salem District 636 406
2. The Superintending Engineer/ Operations/Manager,
Mettur Thermal Power Plant I,
Mettur Dam,
Salem District 636 406

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.23804

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.23569

W.P.No.13800 of 2016

And

W.M.P.No.12113 of 2016

SNS (CO)
CA(21/04/2016)

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