

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16844 of 2016

Rajininath

.. Petitioner

Versus

1. The Tamil Nadu Electricity Generation & Distribution Corporation Limited,
Rep. by the Chairman,
No.144, Anna Salai,
Chennai-2.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
No.144, Annasalai,
Chennai-2.

3.The Superintending Engineer,
Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
Thiruvannamalai.

4.The Inspector of Labour,
Thiruvannamalai.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to implement the order of the fourth respondent made in E/5377/03, dated 30.08.2004 under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and thereby direct the respondents 1 to 3 to absorb the petitioner in the first respondent Corporation as permanent employee.

For Petitioner : Mr.N.Suresh

For Respondents: Mrs.R.Varalakshmi
Standing Counsel for R1 to R3

O R D E R

Heard Mr.N.Suresh, learned counsel appearing for the petitioner and Mrs.R.Varalakshmi, learned Standing Counsel, accepting notice on behalf of respondents 1 to 3. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to implement the order of the fourth respondent made in E/5377/03, dated 30.08.2004 under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and thereby direct the respondents 1 to 3 to absorb the petitioner in the first respondent Corporation as permanent employee.

3. The learned Standing Counsel appearing for respondents 1 to 3 submitted that it has to be verified whether any Appeal has been filed as against the order passed by the fourth respondent dated 30.08.2004.

4. The learned counsel for the petitioner pointed out that in identical matters in W.P.No.29949 of 2010 etc. batch, an order has been passed on 07.02.2011 and in the said batch of case, the following order was passed:-

6. A perusal of the averments made in the affidavits and the submissions made by the respective counsel, would disclose that the above said order passed by the fourth respondent has not been challenged and the same has become final. Since the orders as regards conferment of permanent status on the petitioners attained finality and act as inter party order, the first respondent Corporation bound to comply with the said order.

7. Learned Standing Counsel appearing for respondents 1 to 3 has drawn the attention of this Court to the proceedings of the Tamil Nadu Electricity Board in Per.B.P.(CHAIRMAN) No.9, Administrative Branch dated 09.01.2008, wherein a Committee has been constituted to examine the cases of Contract Labourers not covered by 12(3) Settlement dated 10.08.2007 for absorption and therefore, prayed that in terms of the said proceedings, appropriate orders may be passed.

8. Since this Court has already taken the view that the order passed by the fourth respondent had become final and inter party order, the respondents 1 to 3 are bound to comply with the above said orders.

9. In the result, the Writ Petitions are disposed of by directing the respondents 1 to 3 to comply with the orders dated 09.03.2005 passed by the fourth respondent. The respondents are directed to comply with the above said orders within a period of 12 weeks from the date of receipt of a copy of this order."

5. However, in the instant case, since the Writ Petition is disposed of on the admission stage, there will be a direction to the third respondent to take note of the orders passed in the earlier Writ Petition in W.P.No.29949 of 2010 batch, and consider the petitioner's representation dated 15.09.2010, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.
No costs.
r n s

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Tamil Nadu Electricity Generation & Distribution Corporation Limited,
Rep. by the Chairman,
No.144, Anna Salai,
Chennai-2.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
No.144, Annasalai,
Chennai-2.

3.The Superintending Engineer,
Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
Thiruvannamalai.

4.The Inspector of Labour,
Thiruvannamalai.

+ 1 cc to Mr.N.Suresh, Advocate, SR 27880

pa(co)
prk30/5

W.P.No.16844 of 2016