

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.21165 to 21173 of 2016

G.Vadivel	..	Petitioner in W.P.No.21165 of 2016
M.Sarathkumar	..	Petitioner in W.P.No.21166 of 2016
P.Boopathi	..	Petitioner in W.P.No.21167 of 2016
S.Kumar	..	Petitioner in W.P.No.21168 of 2016
K.Senthilkumar	..	Petitioner in W.P.No.21169 of 2016
R.Kumar	..	Petitioner in W.P.No.21170 of 2016
K.Tulsai Raj	..	Petitioner in W.P.No.21171 of 2016
C.Senthil Kumar	..	Petitioner in W.P.No.21172 of 2016
B.Gunasekaran	..	Petitioner in W.P.No.21173 of 2016

-vs-

1. The Inspector of Labour
Namakkal Circle
Namakkal
2. The Superintending Engineer
Tamil Nadu Generation &
Distribution Corporation
Namakkal Electricity
Distribution Circle
Namakkal
3. The Executive Engineer (O & M)
Tamil Nadu Generation &
Distribution Corporation
Paramathi Velur Division
Paramathi Velur Taluk
Namakkal District
4. The Junior Engineer
Operation & Maintenance
Tamil Nadu Electricity Board
Kapilarmalai
Namakkal District .. Respondents in all the writ petitions

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Petitions filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to take up C.P.S.Nos.65, 64, 68, 70, 69, 62, 61 of 2014 dated 22.11.2014, Na.Ka.No.2258 of 2012 dated 20.12.2011, Na.Ka.No.732 of 2014 dated 22.3.2014, filed by the respective petitioners under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and dispose of the same in accordance with law.

For Petitioners :: Mr.K.Selvaraj

For Respondents :: Mr.M.Elumalai
Government Advocate for R1
Mr.P.R.Dhilipkumar for R2 to R4

ORDER

Nine petitioners have filed separate writ petitions seeking a common prayer for issuance of a writ of mandamus, directing the Inspector of Labour, Namakkal Circle, the first respondent herein to take up C.P.S.Nos.65, 64, 68, 70, 69, 62, 61 of 2014 dated 22.11.2014, Na.Ka.No.2258 of 2012 dated 20.12.2011, Na.Ka.No.732 of 2014 dated 22.3.2014 filed by the respective petitioners under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and dispose of the same in accordance with law.

2. Learned counsel for the petitioners submitted that all the petitioners were engaged by the respondents 2 to 4 as contract labourers from 1.6.2008 and they have been continuously engaged as such for the purpose of erection of electrical posts, digging up of pits, erection of transformers, etc., from the date of engagement till now. As they have completed more than 480 days within two calendar years, they should have been made permanent as per the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. Hence they have filed petitions before the first respondent-Inspector of Labour, Namakkal for permanency. Although notices were issued on 15.12.2014, 14.9.2012, 21.4.2014 respectively, till date, no progress has been made. Hence they are before this Court.

3. Mr.M.Elumalai, learned Government Advocate takes notice on behalf of the first respondent and Mr.P.R.Dhilipkumar, learned standing counsel takes notice on behalf of the respondents 2 to 4.

4. Considering the factor that the petitions filed by the petitioners before the first respondent under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 are pending for a long time, this Court finds no impediment to direct the first respondent to dispose of the same in accordance with law. Accordingly, the first respondent is directed to take up the C.P.S.Nos.65, 64, 68, 70, 69, 62, 61 of 2014 dated 22.11.2014, Na.Ka.No.2258 of 2012 dated 20.12.2011, Na.Ka.No.732 of 2014 dated 22.3.2014 filed by the respective petitioners and after due enquiry, pass appropriate orders on merit and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

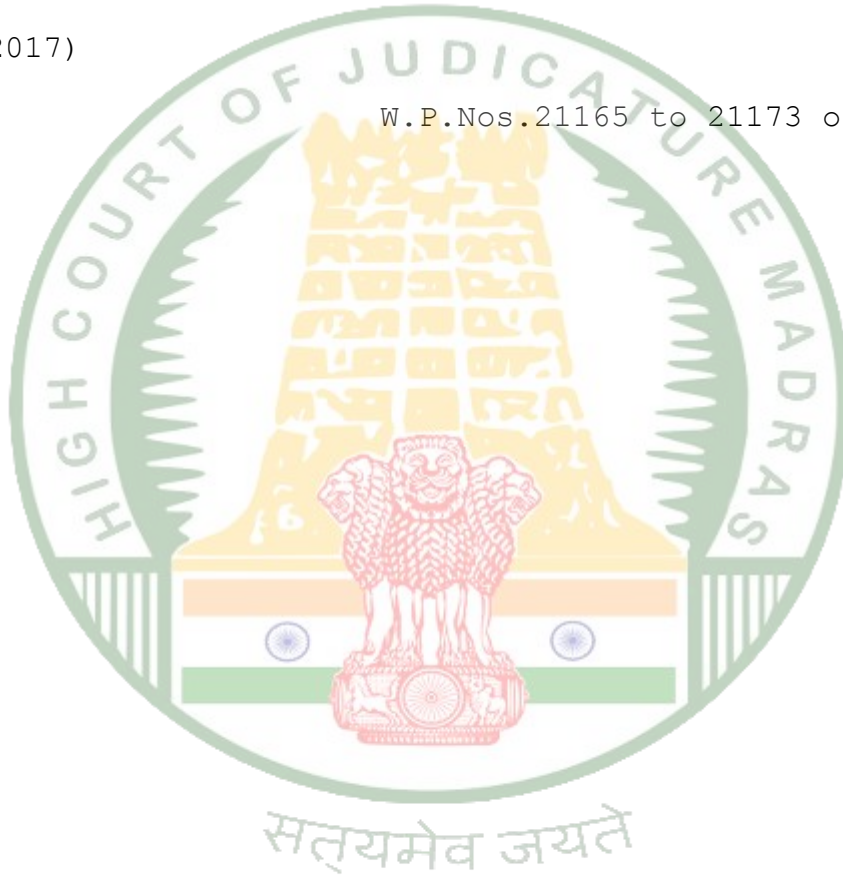
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Namakkal District

+2cc to Mr.K. Selvaraj, Advocate, S.R.No.73472
+1cc to Mr.P.R. Dhilipkumar, Advocate, S.R.No.73883
+1cc to the Government Pleader, S.R.No.73781

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