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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.A(MD)No.341 of 2015

and

M.P. (MD)No.2 of 2015

and

C.M.P. (MD)Nos.3251 to 3253 of 2016

1.The Chairman,
Tamil Nadu Electricity Board,
800 Anna Salai, Chennai-2.

2.The Chief Engineer(Personnel),
Tamil Nadu Electricity Board,
800 Anna Salai, Chennai-2.

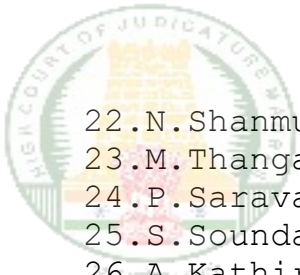
3.The Superintending Engineer,
TANGEDCO, Karur Electricity
Distribution Circle, Karur.

... Appellants/Petitioners

Vs.

1.The Inspector of Labour,
Karur.

- 2.R.Natarajan
- 3.R.Veerangan
- 4.P.Namasivayam
- 5.R.Ashok
- 6.R.Chellappan
- 7.C.Nallasivam
- 8.R.Dhanapal
- 9.G.Ramanathan
- 10.S.Manikandan
- 11.M.Sakthivel
- 12.G.Ramesh
- 13.M.Manavalan
- 14.M.Srinivasan
- 15.C.Senthilkumar
- 16.V.Gopinath
- 17.K.Karikalan
- 18.M.Raman
- 19.S.Muthubasay
- 20.M.Annadurai
- 21.K.Subramanian



22.N.Shanmugasundaram
 23.M.Thangaraj
 24.P.Saravanan
 25.S.Soundararajan
 26.A.Kathiresan
 27.T.Gunasekaran
 28.K.Sadhasivam
 29.A.Ayyasamy
 30.B.Senthil Kumar
 31.R.Chellappan
 32.A.Rajendran
 33.K.Senthilkumar
 34.V.Rajan
 35.R.Kamaraj

.. Respondents/Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letter Patent Act praying to set aside the order passed by this Court in W.P. (MD)No.3937 of 2013, dated 25.08.2014.

Prayer in WP(MD)No.3937 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the common order passed by the first respondent in his proceedings in C.P. No. 392/2008, 394/2008, 463/2008, 464/2008, 466/2008, 467/2008, 469/2008, 471/2008, 472/2008 , 473/2008, 474/2008 , 475/2008 , 476/2008, 477/2008, 479/2008, 480/2008, 481/2008, 482/2008, 483/2008, 484/2008, 486/2008, 488/2008, 489/2008, 490/2008, 491/2008, 493/2008, 494/2008, 495/2008, 496/2008, 497/2008, 508/2008, 657/2008 , 780/2008 and 827/2008 dated 15.02.2010 and quash the same and pass such further or other orders.

For Appellants :Mrs.S.Srimathy for Mr.S.M.S.Johny Basha
 Standing Counsel for TNEB

For Respondents : Mr.A.Rahul for R.16, R.25 & R.33

:Mr.S.Gokulraj for R.34.

JUDGMENT

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

The respondents herein had approached the Inspector of Labour, Karur for conferment of permanent status and it was ordered and challenging the same, the appellants herein filed W.P.(MD)NO.3937 of 2013 and vide order dated 25.08.2014, this Court, following the judgment dated 01.12.2013, made in W.A.(MD)No.774 of 2012, has dismissed the writ petition. Challenging the legality of the same, the present writ appeal is filed.



2. Mrs.S.Srimathy, learned Standing Counsel appearing for the appellants would vehemently contend that the Inspector of Labour, Karur, without properly considered the factual aspects and without proper appreciation of the documentary evidences, has erroneously conferred the petitioners herein with permanent status and though the concerned Assistant Engineers were not authorised to issue experience certificate and that certificates have no *locus standi* and therefore prays for allowing this writ appeal.

3. Per contra, the learned Counsel for the private respondents would contend that the learned Judge, while dismissing the writ petition, has placed upon a reliance on the judgment dated 01.12.2013 made in W.A.(MD)No.774 of 2012 and the official respondents herein made a challenge to the said judgment by filing Special Leave Petition in S.L.P.(CC)No.7953 of 2015 before the Honourable Supreme Court of India and it was also dismissed by the Honourable Supreme Court on 30.04.2015 and to implement the order, Cont.P.(MD)No.1505 of 2014 was also filed and it was disposed of by this Court today i.e, on 24.11.2016 and as such, the contentions putforth by the appellants lack merit and substance and prays for dismissal of the writ appeal with exemplary costs.

4. This Court paid it's best attention to the rival submissions and also perused the materials placed before this Court.

5. The learned Counsel for the respondents, on instructions, would submit that though the private respondents are entitled to regularise immediately on completion of 480 days in the light of the order passed by the Inspector of Labour, Karur, it would be suffice, if they are conferred with the permanent status at least from the date of order passed by the Inspector of Labour, Karur, dated 15.02.2010.

6. On the said submission, the learned Counsel appearing for the appellants has drawn the attention of this Court to the TANGEDCO proceedings, (Administrative Branch) (Per.) FB TANGEDCO Proceedings No.22, dated 25.10.2012 and would submit that as per the said proceedings, the consolidated wages Rs.3,100/- will be fixed for the first years; Rs.3,200/- will be fixed for the second year and Rs. 4,000/- will be fixed for fourth year and thereafter they will be granted time scale of pay.

7. This Court, after hearing the rival submissions and perusing the materials placed before this Court, is of the view that this matter is squarely covered with the judgment dated 24.11.2016 made in W.A.(MD)Nos.339 and 340 of 2015 passed by this Court and therefore, the present writ appeal is dismissed. The appellants herein are directed to permanently absorb the private respondents herein with effect from the date of order i.e, 15.02.2010, passed by the Inspector of Labour, Karur, by taking into consideration the



orders passed in Cont.P.(MD)No.1505 of 2014 within a period of ten weeks from the date of receipt of a copy of this judgment. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar

To

1.The Chairman,
Tamil Nadu Electricity Board,
800 Anna Salai, Chennai-2.

2.The Chief Engineer(Personnel),
Tamil Nadu Electricity Board,
800 Anna Salai, Chennai-2.

3.The Superintending Engineer,
TANGEDCO, Karur Electricity
Distribution Circle, Karur.

4.The Inspector of Labour,
Karur.

+1 cc to Mr.A.RAHUL, Advocate, SR.72377

+1 cc to Mr.S.M.S.JOHNNY BASHA, Advocate, SR.72241

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