

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 20.12.2018

CORAM
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.19075 of 2008
and
M.P.No.1 of 2008

1. G.Dakshinamoorthy
2. P.Velavan
3. R.Ravi
4. A.Kayum
5. A.K.Munarvar Khan
6. M.Sekar
7. E.Saravanan
8. V.Veerappan
9. P.Srinivasan
10. R.Sathyanarayanan
11. S.Lakshmipathy
12. E.Babu
13. M.Sekar
14. R.Kannan
15. D.Sureshkumar

... Petitioners

Versus

1. Bharat Heavy Electricals Ltd.
represented by its
Chairman and Managing Director
BHEL Corporate Office
Siri Fort
New Delhi - 110 049.

2. General Manager
Bharat Heavy Electricals Ltd.,
Boiler Auxiliary Plant
Ranipet - 632 045.

.. Respondents

Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to appoint the petitioners in skilled category A III in Fitter, Welder and Electrician trades respectively.

For Petitioners : Mr.D.Anbarasu

For Respondents : Mr.B.Benjamin George
RR1 and 2

ORDER

This writ petition has been filed praying to issue a Writ of Mandamus directing the respondents herein to appoint the petitioners in skilled category A III in Fitter, Welder and Electrician trades respectively.

2. Learned counsel for the petitioners submitted that the petitioners, after completing Industrial Training Institute (ITI) Certificate Course in Fitter, Welder and Electrician Trades, enrolled themselves in the employment exchange. Subsequently, they were sponsored by the employment exchange for undergoing the apprenticeship training with BHEL. For the purpose of imparting training, the respondent-BHEL also conducted examination and only after passing the examination, the petitioners were inducted as apprentice. After undergoing the examination and completing the apprenticeship training, they were also issued with the certificates to that effect by the BHEL. But they have not issued any appointment order to the petitioners.

3. The learned counsel for the petitioner also submitted that when the BHEL have been absorbing several apprenticeship trainees in Trichy region, after sometime, they stopped absorbing the apprenticeship trainees, which resulted in filing of W.P.(MD) Nos.8675 of 2006 etc., before the Madurai Bench of Madras High Court and an order was also passed allowing the writ petitions on 12.10.2007 and the said order was also confirmed by the Division Bench in W.A.(MD) Nos.685 to 687 of 2007 vide judgment dated 24.5.2008. Thereafter, the Apex Court by its order dated 3.10.2013 in Civil Appeal Nos.10815 and 10816 of 2013, directed the absorption of the 124 apprentices in Trichy region. Hence, the learned counsel for the petitioners submitted that this case is covered by the above judgments and prayed for allowing this Writ Petition.

4. The learned counsel appearing for the respondents submitted that when the apprentices working in Ranipet region filed W.P.Nos.11293 of 2006 and 5929 of 2006 etc., batch, this Court by order dated 23.6.2008 allowed all the above batch of writ petitions, except W.P.No.11293 of 2006, with a direction to the BHEL to undertake the exercise of considering the case of the petitioners therein in the light of the earlier order, holding that in the light of the new policy and the distinction being made to the Section 12(3) settlement, whether the case of the petitioners therein can be thrown out by stating that the workmen have no preference for employment. However, the said order was set aside by the Hon'ble Division Bench in W.A.Nos.1047 to 1062 of 2008 and W.P.No.9713 of 2002 by order dated 10.2.2015. Hence, prayed for dismissal of this Writ Petition.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.

6. When the Hon'ble Division Bench of this Court has passed an order dated 10.2.2015 in W.A.Nos.1047 to 1062 of 2008 and W.P.No.9713 of 2002 setting aside the order of the learned single Judge in W.P.Nos.11293 of 2006 and 5929 of 2006 etc., batch dated 23.6.2008 holding that the apprentices, who had undergone the training, on completion of the same, were discharged from the services many years before the filing of the writ petitions and that the settlement arrived at under Section 12(3) of the Industrial Disputes Act between the Union and the BHEL dealt with the case of NMRs absorption in a phased manner and not in respect of the apprentices, this Court, being bound by the same, is not inclined to entertain this writ petition.

7. In view of the order of the Hon'ble Division Bench of this Court dated 10.2.2015 passed in W.A.Nos.1047 to 1062 of 2008 and W.P.No.9713 of 2002, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrs

To

1. Bharat Heavy Electricals Ltd.
represented by its
Chairman and Managing Director
BHEL Corporate Office
Siri Fort
New Delhi - 110 049.

2. General Manager
Bharat Heavy Electricals Ltd.,
Boiler Auxiliary Plant
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PM(CO)

rrs 19/02/2019