

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.17193 to 17198 of 2012

G.Manivel ..Petitioner in W.P.No.17193 of 2012
M.Munirathinam ..Petitioner in W.P.No.17194 of 2012
P.Sathiya Prakash ..Petitioner in W.P.No.17195 of 2012
Dhachinamoorthi ..Petitioner in W.P.No.17196 of 2012
J.Kaliappan ..Petitioner in W.P.No.17197 of 2012
Thirupathi ..Petitioner in W.P.No.17198 of 2012

Vs.

- 1.The Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
Represented by the Chairman,
No.144, Anna Salai,
Chennai - 2.
- 2.The Chief Engineer (Personnel),
The Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 2.
- 3.The Superintending Engineer,
The Tamil Nadu Electricity Generation & Distribution Corporation Ltd.,
Dharmapuri - 5.

- 4.The Inspector of Labour,
Krishnagiri District.

.. Respondents in
all Writ Petitions

PRAYER in all Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to

implement the order of the fourth respondent made in A/2843/2010, A/2517/2010, A/2843/2010, A/2843/2010, A/2843/2010 and A/2517/2010, respectively, dated 09.05.2011 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 petitioners in the first respondent Corporation as permanent employee.

For Petitioner in
all Writ Petitions : Mr.P.M.Jayachandran

For Respondents in
all Writ Petitions : Mr.T.S.Akash
Standing Counsel,
For M/s.T.S.Gopalan
& Co. for R1 to R3
Mr.B.Anand
Government Advocate for R4

C O M M O N O R D E R

Heard Mr.M.Jayachandran, learned counsel for the petitioners; Mr.T.S.Akash, learned Standing Counsel, representing M/s.T.S.Gopalan & Co. for the respondents 1 to 3; Mr.B.Anand, learned Government Advocate for the fourth respondent and perused the materials available on record.

2. As the issue involved in all these Writ Petitions is one and the same, they are taken up together and disposed of by this common order.

3. The petitioners have filed these Writ Petitions seeking direction to the respondents 1 to 3 to implement the order of the fourth respondent dated 09.05.2011 passed under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and consequential direction to the respondents 1 to 3 to absorb the petitioners in the first respondent-Corporation as permanent employee.

4. When these Writ Petitions are taken up for hearing, the learned counsel for the petitioners and the learned Standing Counsel for the respondents would state that the issue involved in these Writ Petitions is squarely covered by the common order passed by this Court in W.P.No.358 of 2018 & etc., batch, dated 24.04.2018 and this Court has held as follows:-

"4.In this view of the matter, the workmen are permitted to submit fresh representations to the writ

petitioners management, within a period of three(3) weeks from the date of receipt of a copy of this order, along with all necessary documents establishing their engagement as contract labourer. In the event of receiving any such representation from the workmen, the writ petitioner management is directed to consider the same, in the light of the Board proceedings issued dated 09.01.2008 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. In view of the submissions made by the learned counsel appearing on behalf of the workmen, the order passed by the Inspector of Labour granting permanent status cannot be insisted upon and in the event of considering the case of the workmen in the light of the B.P.No.9 dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to.

6. Accordingly, these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. However, there is no order as to costs. "

5. In view of the above submission, these Writ Petitions are disposed of in the same terms of the above order. There is no order as to costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

r n s

To

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

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

3.The Superintending Engineer,
The Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
Dharmapuri - 5.

4.The Inspector of Labour,
Krishnagiri District.

+ 1 cc to MR.Government Pleader Sr.70140
+ 1 cc to M/s. P.M. Jayachandran Advocate SR.69793

W.P. No.17193 to 17198 of 2012

KAN(CO)
EU(30/10/2018)



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