

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.833 of 2014

- 1 THE CHAIRMAN
TAMILNADU ELECTRICITY BOARD
NO. 144 ANNA SALAI
CHENNAI 600 002.
- 2 THE CHIEF ENGINEER (PERSONNEL)
TAMILNADU ELECTRICITY GENERATION AND
DISTRIBUTION CORPORATION NO. 144 ANNA
SALAI CHENNAI 600 002.
- 3 THE SUPERINTENDING ENGINEER
VILLUPURAM ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED NO. 10
VILLUPURAM. appellants

versus

- 1 K. RAJENDRAN
2 N. SIVARAMAN
3 V. KRISHNAMOORTHY
4 R. SAKTHIVEL
5 G. THANGAVEL
6 K. SELVARAJ
7 R. SUBRAMANIAN
8 R. JOESPH DEVASAGAYAM
- 9 THE INSPECTOR OF LABOUR
VILLUPURAM. respondents

Writ Appeal filed against the order passed by this Court
dated 6.11.2012 in W.P.No.5481 of 2012.

WP.5481 of 2012:

Writ Petition praying to Writ of Mandamus to direct the
respondents 1 to 3 to appoint the petitioners into the Board to
the post of Mazdoor by considering the petitioners
representation dated 9.12.2011.

For appellants : M/s.Anand Gopalan and Devi Rudra
for M/s.T.S.Gopalan & Co.

For Respondents : Mr.G.Anand Kumar,
for respondents 1 to 8

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The order dated 22 August 2002 on the file of the Inspector of Labour cum Competent Authority under the Conferment of Permanent Status Act, conferring permanent status to the respondents 1 to 8, was upheld by the Division Bench by judgment dated 19 March 2009 in W.A.No.259 of 2005. Since further action was not taken to appoint them as Mazdoors, respondents 1 to 8 filed a Writ Petition in W.P.No.5481 of 2012. The learned Single Judge taking into account the fact that the order declaring permanent status has become final, allowed the Writ Petition. Feeling aggrieved by the said order, TANGEDCO is before this Court.

2. We have heard the learned counsel for the appellants and the learned counsel for respondents 1 to 6 and 8.

3. The writ appeal against the 7th respondent has already been dismissed as abated on account of the failure of the appellant to file application to set aside abatement and to bring on record the legal representatives.

4. The petitioners 1 to 6 and 8, (hereinafter referred to as Workers) were appointed by the Electricity Board. The workers approached the competent authority under the Conferment of Permanent Status Act to confer on them permanent status on account of their completion of 480 days of service. The application was allowed by the Competent Authority. The order dated 22.8.2002 on the file of the Inspector of Labour, Villupuram, was unsuccessfully challenged in W.P.No.24634 of 2003 and W.A.No.259 of 2005. Though the appellants appointed some of the parties to the writ appeal as workers, action was not taken to give appointment orders to the petitioners in W.P.No.5481 of 2012, as workers, resulting in filing the Writ Petition.

5. The learned Single Judge found that the writ petitioners were also entitled to a similar direction like the other 32 employees who were appointed as workers.

6. The order passed by the learned Single Judge was complied with by the appellants by giving appointment orders dated 2 July 2014 and 5 July 2014. The workers were also given promotion by

order dated 24 July 2014, without prejudice to their contentions in the appeal. The appellants have taken up certain grounds which are not germane for deciding the issue raised by the workers in the Writ Petition in W.P.No.5481/2012. The Competent Authority found that the workers have completed 480 days of work and as such, they are entitled to the benefits of the beneficial piece of legislation. The appellants have already issued appointment orders to the other 32 persons. The appellants have not demonstrated that the workers, who are the respondents herein, are not entitled to a similar relief. We are therefore of the view that there is absolutely no merit in the contentions taken by the appellants on the question of giving appointment orders to the workers based on the order dated 22 August 2002.

7. The learned Single Judge directed the appellants to appoint the workers with effect from 12 June 2009 and grant them all the consequential benefits. The appellants by order dated 5 July 2014, appointed respondents 1 to 8 notionally with effect from 1 February 2008 and their services were regularized with effect from 9 January 2014. We make it clear that in view of the order dated 5 July 2014, respondents 1 to 6 and 8 are not entitled to the back wages. In short, their appointment notionally with effect from 1 December 2008 and regularized with effect from 9 January 2014 would remain, without there being any claim for back wages.

8. The intra court appeal is disposed of with the above modification of the order passed by the learned Single Judge. No costs. Consequently, M.P.No.1/2014 is closed.

Sd/-
Assistant Registrar(CS IV)

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सत्यमेव जयते
Sub Assistant Registrar

To

1. THE CHAIRMAN, T.N.E.B,
NO. 144 ANNA SALAI
CHENNAI 600 002.
- 2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO, NO. 144 ANNA
SALAI CHENNAI 600 002.

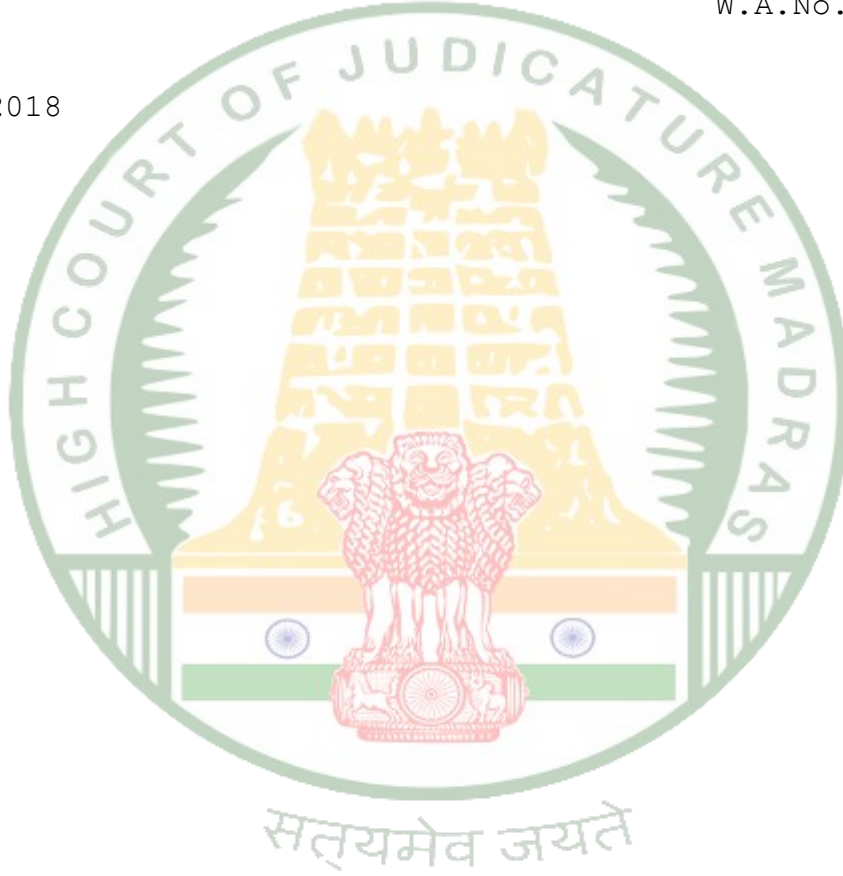
3 THE SUPERINTENDING ENGINEER
VILLUPURAM ELECTRICITY DISTRIBUTION CIRCLE
TANGEDCO
VILLUPURAM.

4. THE INSPECTOR OF LABOUR
VILLUPURAM.

+1cc to M/s.T.S.Gopalan & Co, Advocate sr.no.51497
+1cc to Mr.G.Anand Kumar, Advocate sr.no.51262

W.A.No.833 of 2014

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nr 03/09/2018



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