

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4992 of 2018  
and  
W.M.P.No.6175 of 2018

- 1.The Superintending Engineer,  
Kallakurichi Electricity  
Distribution Circle,  
Tamil Nadu Generation and  
Distribution Corporation,  
Kallakurichi - 606 202.  
Villupuram District.
  - 2.The Assistant Engineer,  
Operation & Maintenance,  
Tamil Nadu Generation and  
Distribution Corporation,  
Madapattu,  
Villupuram District.
- ...Petitioner

Vs

- 1.The Inspector of Labour,  
(Authority under the Tamil Nadu  
Industrial Establishment(Conferment  
of Permanent Status to Workmen)Act, 1981  
Villupuram District.

2.R.Arumugam.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, calling for the records of the First respondent dated 22.06.2017 in proceeding No.Pa.Mu.No.A/1928/2014 and quash the same.

For Petitioner : Mr.G.Anand  
for M/s.T.S.Gopalan & Co.

For Respondents : M/s.A.Sri Jayanthi,  
Special Government Pleader for R1  
Mr.S.Vijayaraghavan for R2

O R D E R

The writ petition is filed challenging the award passed by the Inspector of Labour granting permanent status to the workmen by the TANGEDCO.

2. The learned counsel appearing on behalf of the workman made a submission that the board after 12 (3) Settlement dated 10.08.2007 issued orders in B.P. (Chairman) No.9, Administrative Branch, date 09.01.2008, granting permanent absorption for contract labourers, who all are not covered by 12(3) Settlement. Certain conditions are stipulated in the Board proceedings dated 09.01.2008 for granting permanent absorption.

3. The learned counsel appearing on behalf of the writ petitioner/management made a submission that the petitioners are not having any objection for considering the case of the workmen in the light of the terms and conditions as stipulated in B.P. No.9, dated 09.01.2008. In view of the said submissions, the learned counsel appearing for the workman also agreed and filed their memo stating that the case of the workmen may be considered by the writ petitioners management in terms of the B.P.No.9 dated 09.01.2008.

4. In this view of the matter, the workman is permitted to submit fresh representations to the writ petitioners management, within a period of three 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 workman, 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 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, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

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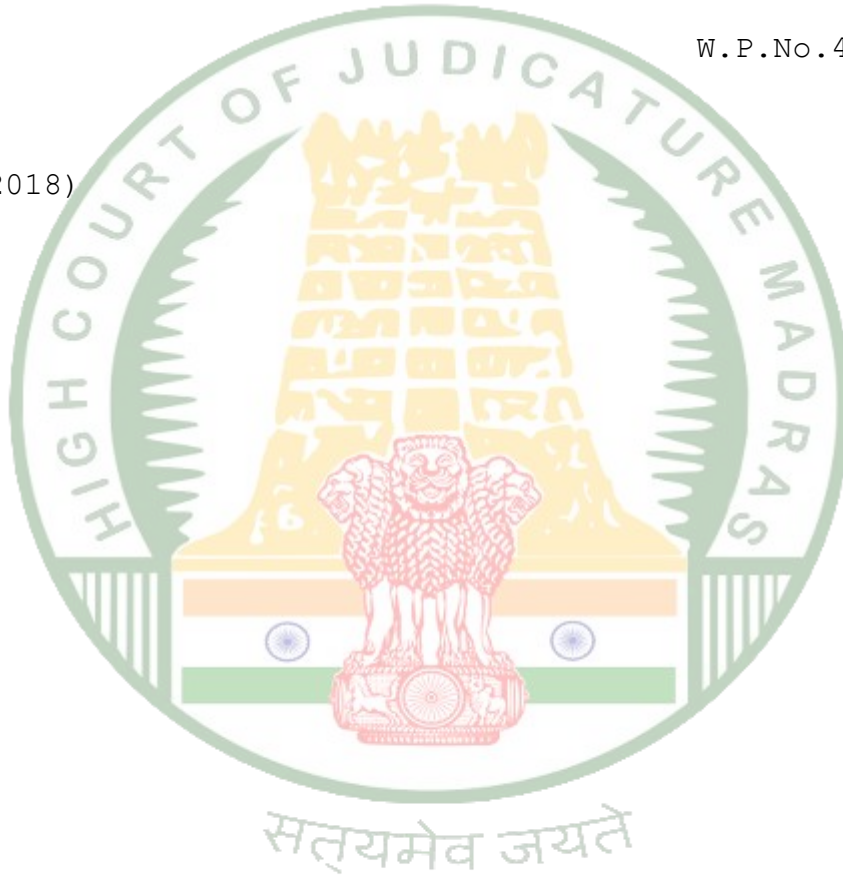
To

1.The Inspector of Labour,  
(Authority under the Tamil Nadu  
Industrial Establishment (Conferment  
of Permanent Status to Workmen) Act, 1981.  
Villupuram District.

+lcc to Mr.T.S.Gopalan & CO, Advocate SR.No.49046  
+lcc to Government Pleader SR.No.49364

W.P.No.4992 of 2018

GN (31/07/2018)



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