

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-06-2018

CORAM

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

W.P.Nos.18005, 42461 of 2016, 6784, 6785 of 2017 & 10616 of 2018
and W.M.P.Nos.15798, 36351 of 2016, 1036, 7350, 7351 of 2017,
12571, 11899 & 11900 of 2018

WP No.18005 of 2016

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Dharmapuri Electricity Distribution Circle,
Dharmapuri District.

2.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
No.800, Anna Salai, Chennai.

...

Vs

Petitioner

1.Inspector of Labour,
Krishnagiri.

2.M.Krishnan

3.Murugesan

4.Gobi

5.Vellu

6.Pradeep

7.Muralli

8.Bharathi

9.Suthanthiraselvan

10.Singaravellu

11.Ramalingam

12.Rajinikanth

13.Lakshmanan

14.Rajendran

15.Sankar

16.Selvaraj

17.Ellakiyavarma

18.Raman

19.Thirupathi

20.Senthil

21.Kumar

22.Vijakumar

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, calling for the records relating to the award passed by the first respondent made in

Na.Ka.No.A/991/ 2014 dated 11.9.2015, quash the same.

WP No.42461 of 2016

The Superintending Engineer,
Formerly Tamil Nadu Electricity Board,
Presently Tamil Nadu Generation and Distribution Corporation,
Vellore Electricity Distribution Circle,
Vellore District.

... Petitioner

Vs

1. Inspector of Labour,
Vellore.

2. K. Jayakumar

3. D. Elangovan

4. J. B. Jebarsen Richard

5. B. Rajkapoor

6. S. Kumaraguru

7. S. Karthikeyan

8. S. Suriya Moorthi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, calling for the records relating to the award passed by the first respondent made in Na.Ka.No.E/2810/ 2015 dated 27.1.2016, quash the same.

WP Nos.6784 and 6785 of 2017

The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution Corporation,
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore - 632 006.

... Petitioner in WPs 6784 & 6785/17

Vs

1. Inspector of Labour,
Vellore.

2. Mr. C. Wilson Dayanidhi

3. Mr. R. Raghu

4. Mr. V. Mohanavelu

... Respondents in WP 6784/2017

1. Inspector of Labour,
Vellore.

2. Mr. A. Muthu

3. Mr. E. Rufus Rajkumar

4. Mr. S. Chakravarthi

5. Mr. S. Tamilselvan

... Respondents in WP 6785/2017

PRAYER : Petitions filed under Article 226 of the Constitution of India to issue of Writs of Certiorari, calling for the records relating to the award passed by the first respondent made in Na.Ka.Nos.E/ 3853, 3974, 4064/15 dated 30.6.2016 and

E/3223/15 dated 20.5.2016 respectively, quash the same.

WP No.10616 of 2018

The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore-632 006.

... Petitioner
Vs

1. Inspector of Labour,
Authority under the Industrial Establishments
(Conferment of Permanent Status to Workmen) Act,
Vellore.

2. S. Munusamy

3. S. Girish

4. R. Anandan

5. D. Dhandaplani

6. M. Chandrasekaran

7. M. Chandrababu

8. A. Babu

9. M. Jayakumar

10. E. Saravanan ... 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 made in Ne.Mu.No.E/1334/2016 dated 7.10.2016, quash the same.

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

For R1 in all WPs : M/s. A. Sri Jayanthi,
Special Government Pleader.

For R5, R7, R10, R11, R18,
R20 & R21 in WP 18005/16,
R2 to R-8 in WP 42461/16,
R2 to R-4 in WP 6784/17,
R-2 to R-5 in WP 6785/17,
R-2 to R-10 in WP 10616 : Mr. K. Sasindran

For R2 to R4, R6, R8, R9,
R12 to R17, R19 & R22
in WP 18005/16 : No Appearance

COMMON O R D E R

These writ petitions are 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 workmen 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 workmen 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 workmen are 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 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 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, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Superintending Engineer,
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Dharmapuri Electricity Distribution Circle,
Dharmapuri District.
- 2.The Superintending Engineer,
Formerly Tamil Nadu Electricity Board,
Presently Tamil Nadu Generation and Distribution Corporation,
Vellore Electricity Distribution Circle,
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- 3.Inspector of Labour,
Authority under the Industrial Establishments
(Conferment of Permanent Status to Workmen) Act,
Vellore.
- 4.Inspector of Labour,
Krishnagiri.
- 5.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
No.800, Anna Salai, Chennai.

+3cc to M/s.T.S.Gopalan & Co, Advocate sr.42181,42183,41750
+3cc to M/s.K.Sasindran, Advocate sr.no.41937,41939,41940

W.P.Nos.18005, 42461 of 2016, 6784,
6785 of 2017 & 10616 of 2018

gmr(co)
nr 09/070/2018