

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.04.2018

CORAM

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

W.P.Nos.22715, 25150, 30276 of 2013

W.P.Nos.3449, 17487 of 2014

W.P.Nos.38061 of 2015

and

M.P.Nos.1,1 & 1 of 2013

M.P.No.1 of 2014

M.P.No.1 of 2015

W.P.No.22715 of 2013

The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur.

...Petitioner

Vs

1.Inspector of Labour, Salem.
2.V.K.Moorthy
3. K.Anguraj
4.Kandasamy
5.S.Ayyar

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, calling for the records of the 1st Respondent, in relation to his proceedings in Na.Ka.No.1792/2010 dated 30.06.2012 directing the petitioner to confer permanent status to the Respondents - 2 to 5 herein as workers in TANGEDCO/Mettur Electricity Distribution Circle, Mettur and quash the same as illegal.

W.P.No.25150 of 2013

1 THE SUPERINTENDING ENGINEER
COIMBATORE ELECTRICITY DISTRIBUTION CIRCLE/
SOUTH TANGEDCO TATABAD
COIMBATORE-641 012

...Petitioner

Vs

1 INSPECTOR OF LABOUR
CONNOOR UDHAGAMANDALAM

2 K.SAMIYAPPAN
3 K.KARTHIK
4 G.KATHIRVEL SAMY
5 B.SARAVANAKUMAR
6 K.NATARAJAN
7 A.SRIDHAR
8 R.MURUGESAN
9 R.VIJAYAKUMAR
10 P.NAGAKUMAR
11 S.MOHANSAMY
12 K.MOHANKUMAR
13 A.THIYAGARAJAN

... Respondents

Prayer

Writ petition praying to writ of Certiorari calling for the records of the 1st respondent in relation to his proceedings in Na.Ka.No. 3604/2008 dated 13.11.2009 directing the petitioner to confer permanent status to the respondents -2 to 13 herein as workers in TANGEDCO/ Coimbatore Electricity Distribution Circle/South Coimbatore and quash the same as illegal.

WP.30276 OF 2013:

1 THE SUPERINTENDING ENGINEER
METTUR ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU ELECTRICITY BOARD METTUR

...Petitioner

Vs

1 INSPECTOR OF LABOUR
SALEM

2 S.PONNUSAMY

... Respondents

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Prayer

Writ petition praying to writ of Certiorari calling for the records of the 1st respondent in relation to his proceedings in Na. Ka. Aa. No. 5036/2005 dt 17.2.2006 with respect to the 2nd respondent and quash the same as illegal

WP.3449 OF 2014:

1 THE SUPERINTENDING ENGINEER
VELLORE ELECTRICITY DISTRIBUTION CIRCLE
TANGEDCO VELLORE ...Petitioner

Vs

1 THE INSPECTOR OF LABOUR
VELLORE
2 K. SARAVANAN ... Respondents

Prayer

Writ petition praying to writ of Certiorari calling for the records relating to the award passed by the 1st respondent made in Na. Ka. No.B/4678/2009 dt 28.7.2010 quash the same

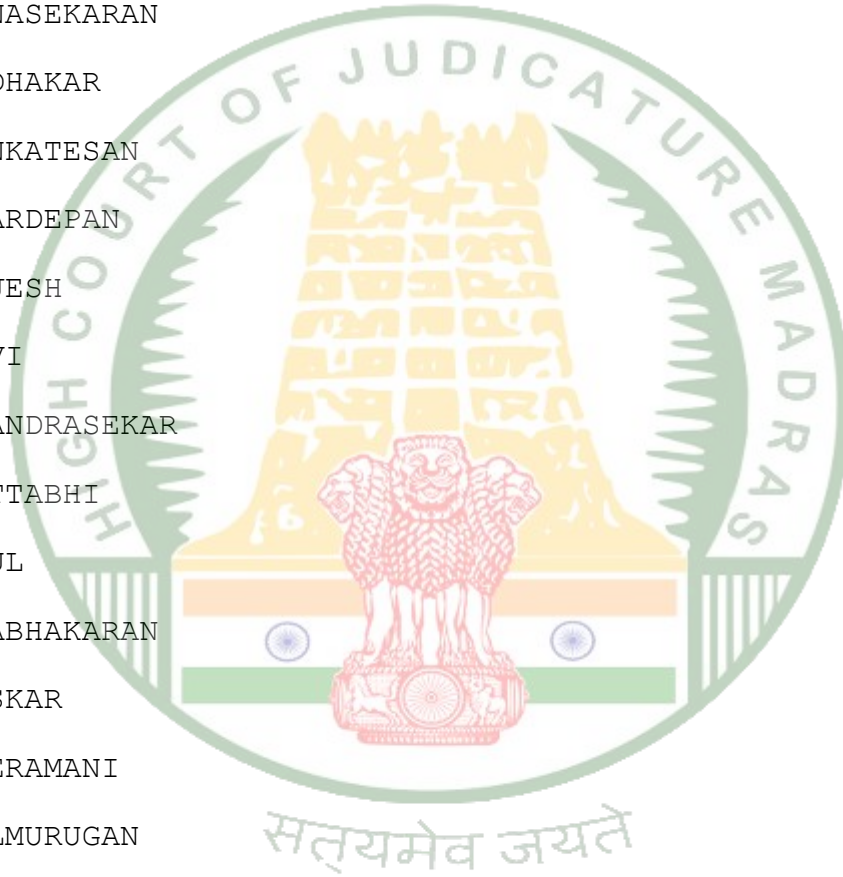
WP.17487 OF 2014

1 THE CHAIRMAN
TNEB NO.144 ANNA SALAI CHENNAI-2
2 THE CHIEF ENGINEER/PERSONNEL
TNEB VII FLOORS NO.144 ANNA SALAI
CHENNAI- 2
3 THE SUPERINTENDING ENGINEER
TNEB CHENNAI ELECTRICITY DISTRIBUTION
CIRCLE/NORTH NO.791 ANNA SALAI CHENNAI-2
4 THE SUPERINTENDING ENGINEER
TNEB CHENNAI ELECTRICITY DISTRIBUTION
CIRCLE/CENTRAL VALLUVARKOTTAM 110-KV SS
CHENNAI-34 ...Petitioner

Vs

1 THE INSPECTOR OF LABOUR
III CIRLE NANDANAM CHENNAI-35

2 M.ANAND
3 G.WILSON
4 PANEERSELVAM
5 SARAVANAN
6 V.VARUN KUMAR
7 A.DEEPAM
8 V.GUNASEKARAN
9 S.SUDHAKAR
10 T.VENKATESAN
11 M.AMARDEPAN
12 R.RAJESH
13 K.RAVI
14 K.CHANDRASEKAR
15 M.PATTABHI
16 S.ARUL
17 C.PRABHAKARAN
18 S.BASKAR
19 V.VEERAMANI
20 J.VELMURUGAN
21 K.DEVI
22 S.SARAVANAN
23 J.VENKATESAN
24 M.SURENDRA KUMAR
25 V.MARIMUTHU
26 A.KUMAR



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27 E.JOTHISEKAR

28 K.ARUMUGAM

29 J.DINESHKUMAR

30 SEIYATHU MUSA

31 K.ANANDHAN

32 V.KRISHNAMURTHY

33 C.SRINIVASAN

34 D.S.GEORGE PRATHAP

35 G.KUMARAN

36 D.SENTHILKUMAR

37 S.VINESH KUMAR

38 C.SAKTHIVEL

39 V.MAHESH

40 R.SARAVANAN

41 P.RAJESH

42 G.MURUGAN

43 D.DAS

44 M.VINOTH

45 M.P.VIMALATHITHAN

46 J.JHONSON

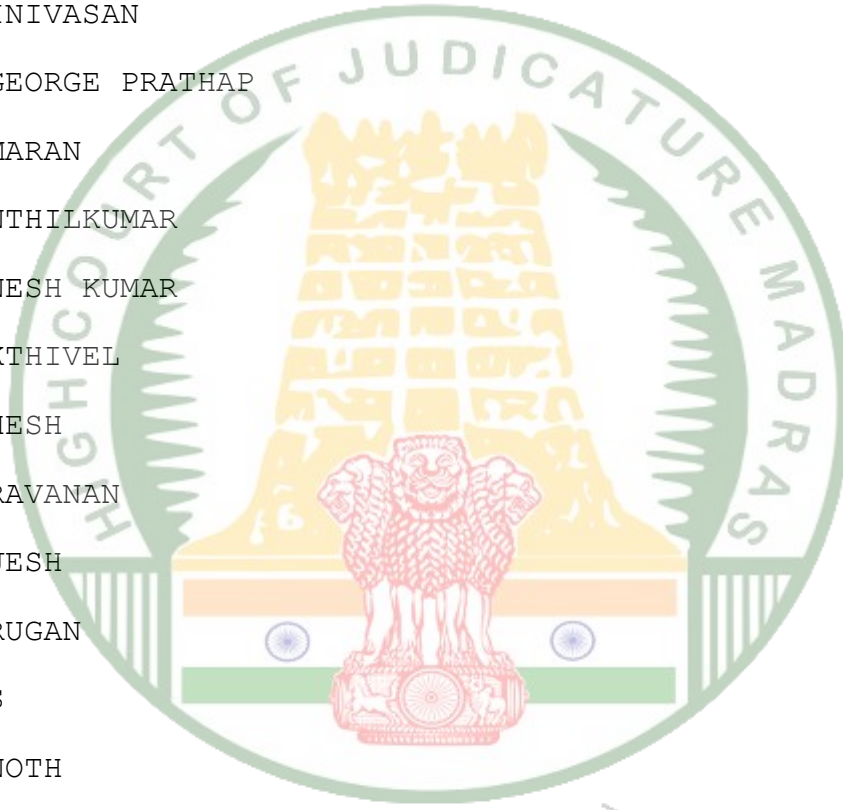
47 A.RASU

48 A.KUMAR

49 S.DANASELAN

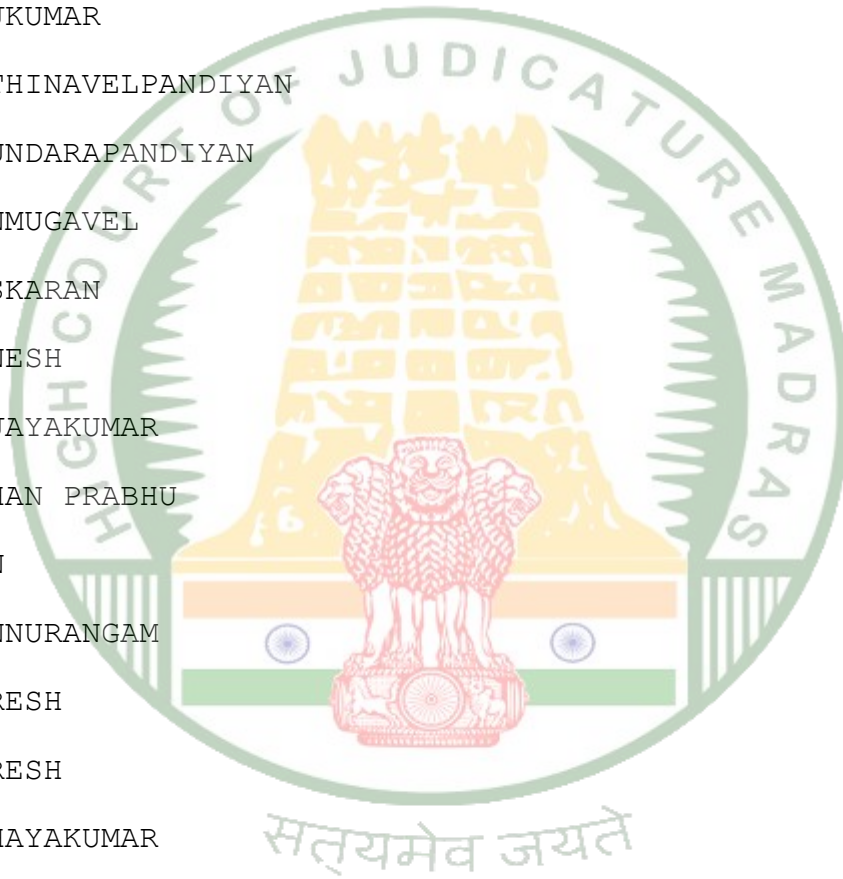
50 U.SATHISHKUMAR

51 P.SARAVANAN



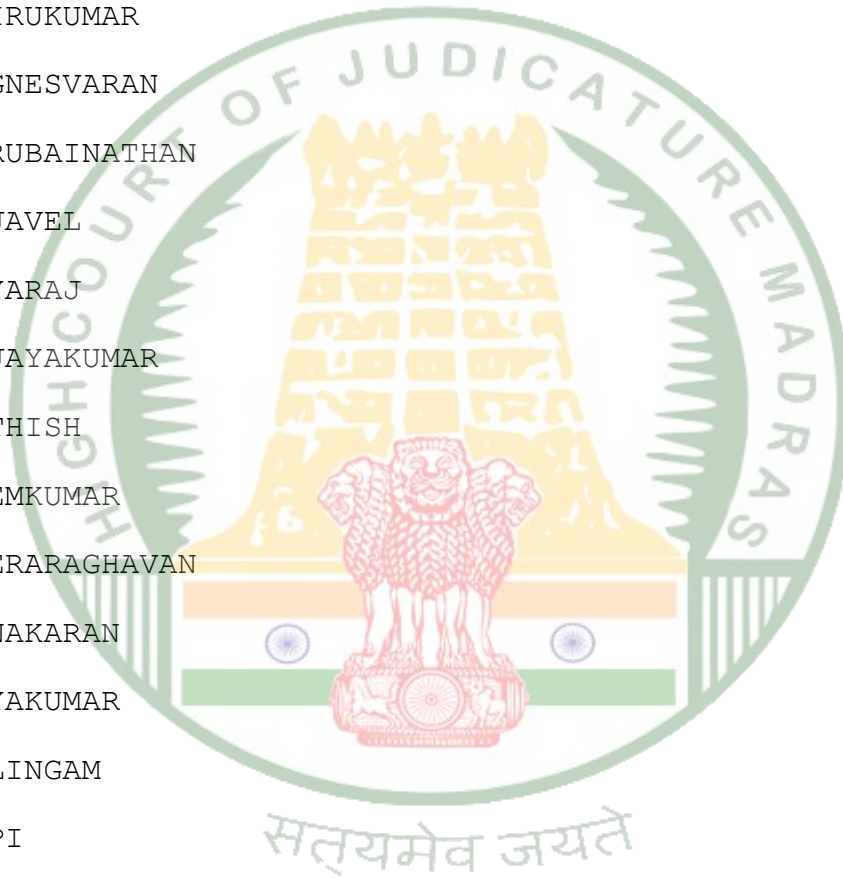
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52 J.SARAVANAN
53 J.MAGIDHAR
54 M.RAJESHKUMAR
55 G.PRADEEP
56 R.RAJESH
57 M.RAJALINGAM
58 M.RAJKUMAR
59 G.RATHINAVELPANDIYAN
60 M.SOUNDARAPANDIYAN
61 N.SANMUGAVEL
62 K.BASKARAN
63 S.DINESH
64 D.VIJAYAKUMAR
65 A.MOHAN PRABHU
66 JEGAN
67 M.PONNURANGAM
68 S.SURESH
69 K.SURESH
70 K.UDHAYAKUMAR
71 S.MEHANATHAN
72 K.SENTHIL
73 S.ILAYARAJA
74 G.DILLI RAJA
75 C.NAGARAJAN
76 S.PUVARASAN



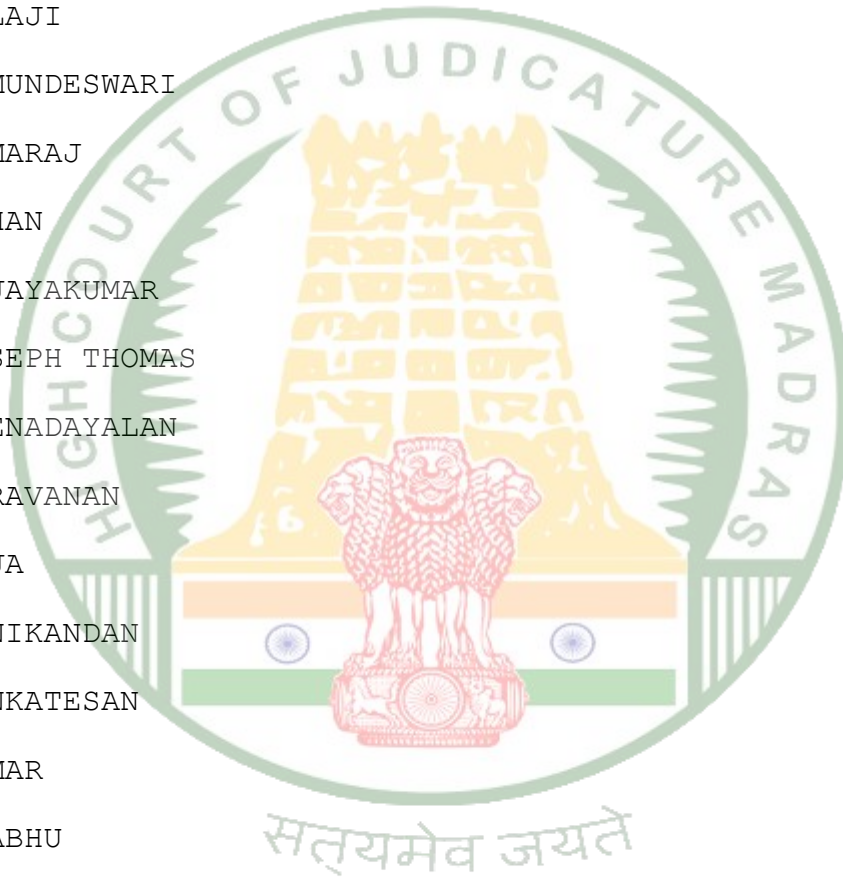
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77 C.MUNUSAMY
78 JUDO MARAN
79 KIRUBAKARAN
80 R.KANNAN
81 B.KUMARAN
82 R.PALANIVELAN
83 N.THIRUKUMAR
84 P.VIGNESVARAN
85 M.KIRUBAINATHAN
86 V.RAJAVEL
87 V.JAYARAJ
88 P.VIJAYAKUMAR
89 A.SATHISH
90 J.PREMKUMAR
91 M.VEERARAGHAVAN
92 C.DINAKARAN
93 V.JAYAKUMAR
94 NIJALINGAM
95 T.GOPI
96 A.NAGARAJAN
97 C.VIJAYASANKAR
98 K.PREM KUMAR
99 K.BABU
100 SARAVANAKUMAR
101 N.GOPINATH



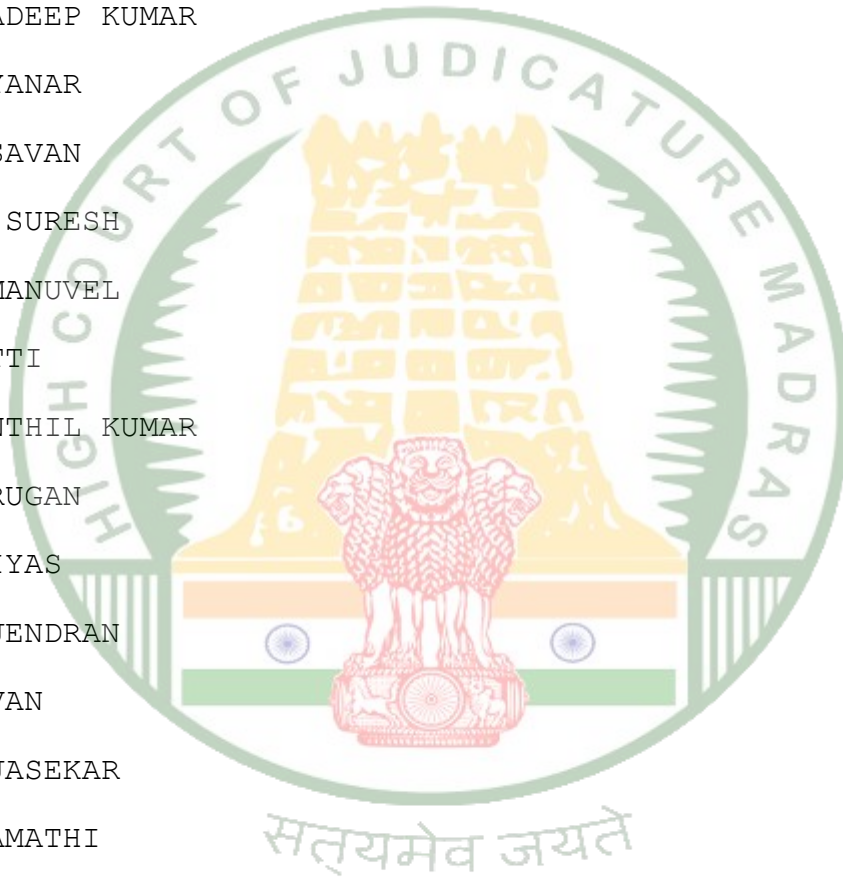
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102 M.KARTHICK
103 P.KARIKALAN
104 G.SURESH
105 G.MARIMUTHU
106 N.MAHESHBABU
107 G.DAYALAN
108 P.BALAJI
109 S.SAMUNDESWARI
110 N.KAMARAJ
111 E.MOHAN
112 C.VIJAYAKUMAR
113 M.JOSEPH THOMAS
114 M.DEENADAYALAN
115 M.SARAVANAN
116 P.RAJA
117 R.MANIKANDAN
118 K.VENKATESAN
119 D.KUMAR
120 P.PRABHU
121 WILLIAMCLARENCE
122 Y.AZHAGIRI
123 S.RAVI
124 V.KALIAPPAN
125 K.RAJENDRAN
126 K.MUGUNDHAVELAN



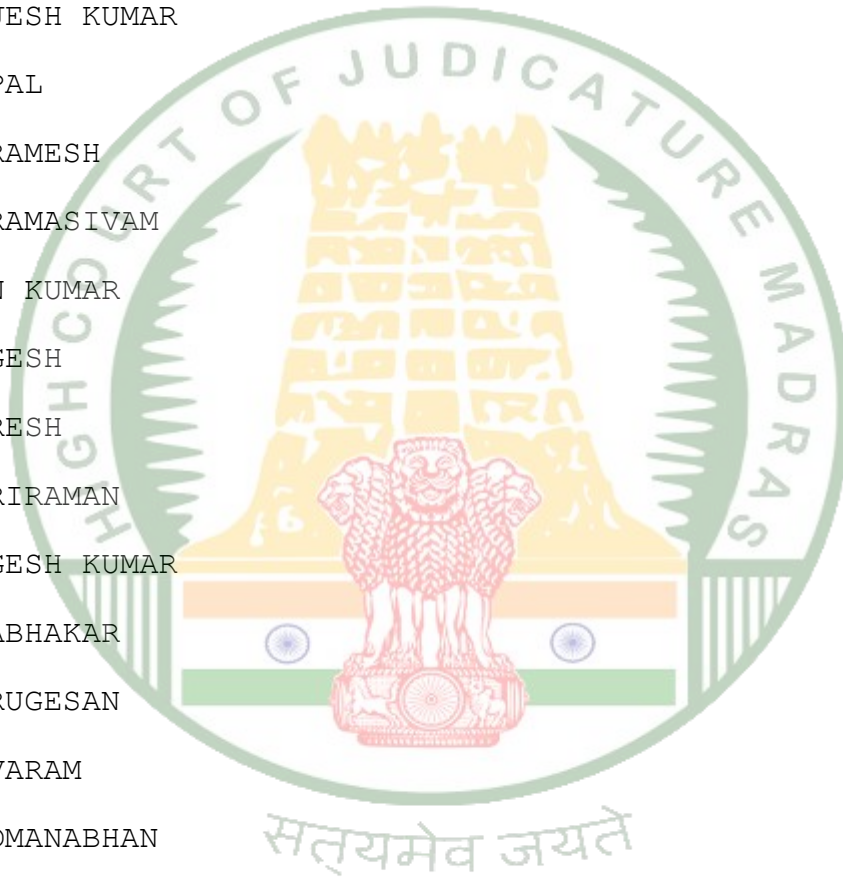
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127 S.BALAJI
128 P.SARAVANAN
129 A.MANIGANDAN
130 P.BOOPALAN
131 K.GOPINATH
132 N.NAGARAJAN
133 S.PRADEEP KUMAR
134 S.AYYANAR
135 U.KESAVAN
136 JOHN SURESH
137 A.EMMANUVEL
138 S.KOTTI
139 M.SENTHIL KUMAR
140 R.MURUGAN
141 M.ELIYAS
142 S.GAJENDRAN
143 A.DEVAN
144 R.RAJASEKAR
145 P.ILAMATHI
146 S.MUNISH
147 K.RAJINI
148 S.VIJAYA BHARATH
149 G.DENADAYALAN
150 K.MOHAN
151 V.GAJAPATHY



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152 N.BALAMURUGAN
153 S.VEERAMANI
154 E.ANBARASU
155 K.RAMESH
156 C.SUBRAMANIAN
157 K.RAJENDRAN
158 S.RAJESH KUMAR
159 S.GOPAL
160 K.R.RAMESH
161 K.PARAMASIVAM
162 MADAN KUMAR
163 M.MAGESH
164 M.SURESH
165 D.HARIRAMAN
166 M.MAGESH KUMAR
167 E.PRABHAKAR
168 M.MURUGESAN
169 P.SIVARAM
170 G.PADMANABHAN
171 C.MOHAN
172 S.SIVAKUMAR
173 K.GNANASEKAREN
174 E.VENKATESAN
175 J.VIDHYASAKAR
176 G.KARUNAKARAN



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177 R.SATHISH KUMAR

178 A.BALAKRISHNAN

179 S.MOHAN BABU

180 P.PRAKASH

181 G.BOOPATHY

182 M.KARTHICK

183 P.SURESH

184 VINOTH KUMAR

185 P.RAMESH

186 V.SARAVANAN

187 G.SRINIVASAN

188 S.RAVI

189 T.SANTHOSH KUMAR

190 P.BASKAR

191 K.SURENDAR

192 S.P.MANOJ PRABHAKARAN Respondents

Prayer

Writ Petition praying to writ of Certiorari Calling for the records of the 1st respondent relating to his proceedings No.Na.Ka. E2661/2011 dated 7.2.2012 directing the petitioner to confer Permanent Status to the respondents 2 to 192 as workers in Tamil Nadu Electricity Board and quash the same as illegal

WP.38061 OF 2015:

1 The Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Kallakuruchi Electricity
Distribution Circle Villupuram District ...Petitioner

Vs

1 Inspector of Labour
Villupuram

2 K.Sridharan
3 P.Sankar
4 R.Rajendran
5 K.Rathinavel
6 M.Thirunavukarasu ... Respondents

Prayer

Writ Petition praying for writ of Certiorari Calling for the records relating to the Order passed by the 1st respondent made in Na.Ka.No.A/28/2013 dated 30.03.2015 quash the same

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

For R1 in : Mrs.A.Sri Jayanthi
W.P.No.22715 of 2013 Special Government Pleader

For RR2 to 5 in : Mr.S.Elamurugan
W.P.No.22715 of 2013

For R1 in : Mrs.A.Sri Jayanthi
W.P.No.17487 of 2014 Special Government Pleader

For RR2 to 48 and 50 to 192
in W.P.No.17487 of 2014 : Mr.V.Premkumar

For R1 in : Mrs.A.Sri Jayanthi
W.P.No.30276 of 2013 Special Government Pleader

For R2 in : Mr.S.Elamurugan
W.P.No.30276 of 2013

For R1 in : Mrs.A.Sri Jayanthi
W.P.No.3449 of 2014 Special Government Pleader

For R2 in : Mr.G.Anandkumar
W.P.No.3449 of 2014

For R1 in : Mrs.A.Sri Jayanthi
W.P.No.38061 of 2015 Special Government Pleader

For R5 in
W.P.No.38061 of 2015

: Mr.V.Karthikeyan

For RR2 to 4 & 6 in
W.P.No.38061 of 2015

: Mr.G.Anandkumar

For R1 in
W.P.No.25150 of 2013

:Mrs.A.Sri Jayanthi
Special Government Pleader

For RR7 to 13
in W.P.No.25150 of 2013

: Mr.K.Sasindran

C O M M O N O R D E R

These writ petitions are filed challenging the award passed by the Inspector of Labour granting permanent status to the workman /2nd & 3rd respondents 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(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.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

may

To

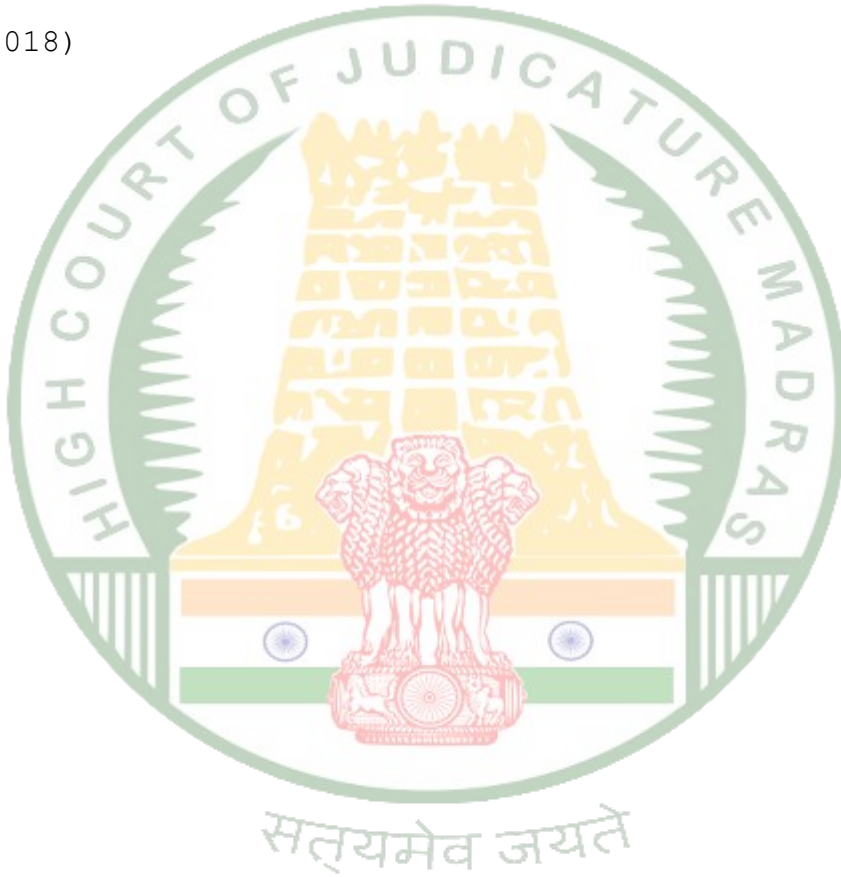
1. THE INSPECTOR OF LABOUR,
SALEM.
2. THE INSPECTOR OF LABOUR,
VELLORE.
3. THE INSPECTOR OF LABOUR
CONNOOR, UDHAQAMANDALAM.
4. THE CHAIRMAN, TNEB,
NO.144 ANNA SALAI, CHENNAI 2
5. THE CHIEF ENGINEER/PERSONNAL,
TNEB, VII FLOOR NO.144 ANNA SALAI, CHENNAI 2
6. THE SUPERINTENDING ENGINEER TNEB
CHENNAI ELECTRICITY DISTRIBUTION CIRCLE/NORTH
NO.791 ANNA SALAI CHENNAI 2
- 7 THE SUPERINTENDING ENGINEER TNEB,
CHENNAI ELECTRICITY DISTRIBUTION CIRCLE/CENTRAL
VALLUVARKOTTAM 110-KV SS, CHENNAI 34.
8. THE INSPECTOR OF LABOUR,
III CIRCLE NANDANAM CHENNAI 35.
9. INSPECTOR OF LABOUR
III CIRCLE, NANDANAM
CHENNAI-35.

10. INSPECTOR OF LABOUR,
VILLUPURAM.

+1cc to Mr.K.SASINDRAN, Advocate, S.R.No. 30826
+2cc to Mr.S.ELAMURUGAN, Advocate, S.R.No. 30849

W.P.Nos.22715, 25150, 30276 of 2013
W.P.Nos.3449, 17487 of 2014
W.P.Nos.38061 of 2015

MG (CO)
TR(17/05/2018)



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