

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-06-2018

CORAM

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

W.P.Nos.13172 to 13176 of 2012, 1650, 1651 and 33154 of 2017 and

M.P.Nos.1, 1, 1, 1 and 1 of 2012

WP Nos.13172 to 13176 of 2012

S.Vijayan	..	Petitioner in WP 13172/12
C.Gunasekaran	..	Petitioner in WP 13173/12
P.Murugesan	..	Petitioner in WP 13174/12
P.Thangarasu	..	Petitioner in WP 13175/12
G.Kumar	..	Petitioner in WP 13176/12

Vs

- 1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer,
Tamil Nadu Electricity Board,
Erode District.
- 3.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gobichetty Palayam - 638 452.
- 4.The Executive Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Bavani Taluk .. Respondents in all WPs

PRAYER : Petitions filed under Article 226 of the Constitution of India to issue of Writs of Mandamus, directing the respondent/Board to grant permanent absorption to the petitioners on par with Contract Labourers, who entered into service of the Board along with the petitioners and made permanent and have been continuing in the Board's service as per B.P.(FB) No.44, dated 6.9.2007 and extend all service and monetary benefits including seniority and promotion to the petitioners.

WP Nos.1650 and 1651 of 2017

1.A.Muthu
2.E.Rubbas Rajkumar
3.S.Chakravarthy
4.S.Thamizh Selvan ... Petitioners in WP 1650/17

1.C.Wilson Dhayanidhi
2.R.Ragu
3.V.Mohanavelu ... Petitioner in WP 1651/17

Vs

1.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai-600 002.
2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore District. ... Respondents in both WPs

PRAYER : Petitions filed under Article 226 of the Constitution of India to issue of Writs of Mandamus, directing the respondents to implement the orders dated 20.5.2016 and 30.6.2016 respectively made in Na.Ka.No.E/3223/2015 and Na.Ka.No.E/3853, 3974, 4064/2015 passed by Inspector of Labour Vellore.

WP No.33154 of 2017

S.Chandra Babu ... Petitioner
Vs

1.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to implement the order dated 16.5.2017 made in Na.Ka.No.E/3431/2016 passed by the Inspector of Labour, Vellore.

For Petitioner in
WPs 13172 to 13176/12 : Ms.S.Girija

For Petitioner in
WPs 1650, 1651& 33154/17: Mr.K.Sasindran

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

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 writ petitioners/workmen by the TANGEDCO.

2. The learned counsel appearing on behalf of the writ petitioners/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 respondents made a submission that the respondents are not having any objection for considering the case of the writ petitioners/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 writ petitioners/workmen also agreed and filed their memo stating that the case of the writ petitioners/workmen may be considered by the respondents in terms of the B.P.No.9 dated 09.01.2008.

4. In this view of the matter, the writ petitioners/workmen are permitted to submit fresh representations to the respondents, 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 writ petitioners/workmen, the respondents are 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 writ petitioners/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 writ petitioners/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/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer,
Tamil Nadu Electricity Board,
Erode District.
- 3.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gobichetty Palayam - 638 452.
- 4.The Executive Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Bavani Taluk.

5.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
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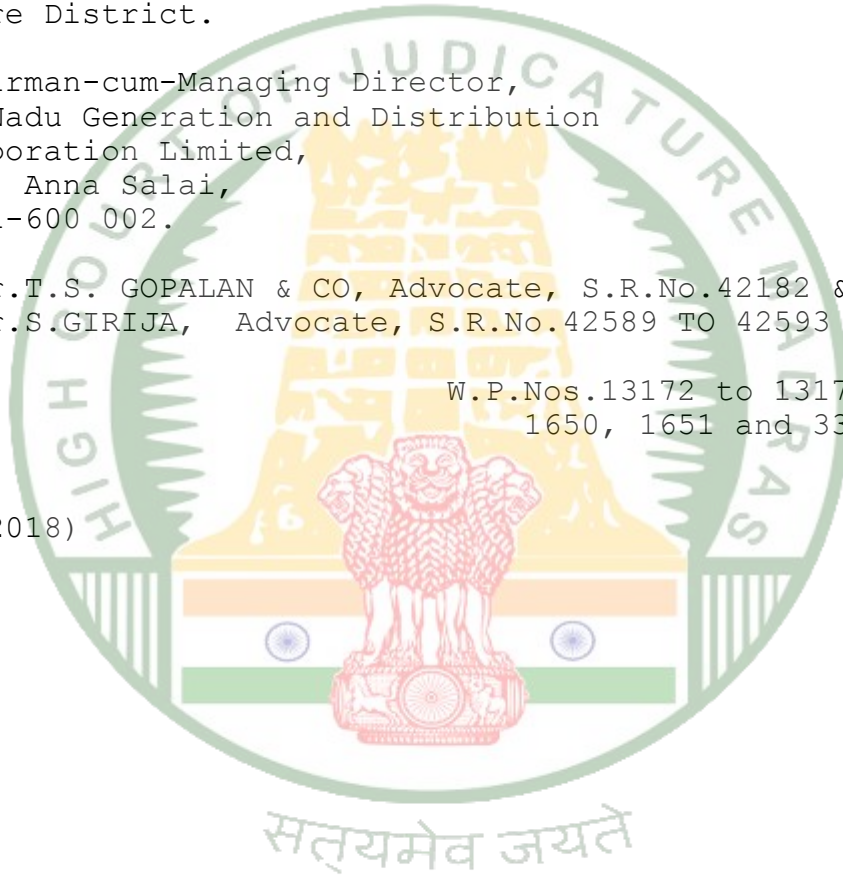
6.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore District.

7.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai-600 002.

+2cc to Mr.T.S. GOPALAN & CO, Advocate, S.R.No.42182 & 41751
+5cc to Mr.S.GIRIJA, Advocate, S.R.No.42589 TO 42593

W.P.Nos.13172 to 13176 of 2012,
1650, 1651 and 33154 of 2017

TR(09/07/2018)



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