

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.04.2018

CORAM

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

W.P.No. of 28125 of 2016
and
W.M.P.No.24263 of 2016

1.S.Mohan
2.N.Raja
3.P.Murugesan

..Petitioners

Vs

- 1.The Chairman-Cum-Managing Director,
Tamil Nadu Electricity Board,
N.P.K.R.R. Maligai,
Old No.800, New No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer (Personnel),
TANGEDCO Ltd.,
N.P.K.R.R. Maligai,
Old No.800, New No.144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer,
TANGEDCO Ltd., (TNEB),
Namakkal Electricity Distribution Circle,
Thiruchengode Main Road,
Namakkal - 637 001.
- 4.The Superintending Engineer,
TANGEDCO Ltd., (TNEB),
Mettur Electricity Distribution Circle,
Mettur Dam-1

... Respondents

PRAYER :

Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents to regularize the services of the petitioners pursuant to the award of the Inspector of Labour, Namakkal in No.1663/01 dated 21.03.2002 which was confirmed by the Hon'ble Division Bench of this Hon'ble Court vide the Judgment dated 24.10.2008 made in W.A.No.1302 of 2003 and batch and absorb them in regular

establishment of the TANGEDCO (TNEB) commensurate with their educational qualifications and experiences with all consequential monetary and service benefits.

For Petitioner :Mr.A.R.Suresh

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

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to regularize the service of the writ petitioners pursuant to the award of the Inspector of Labour, Namakkal in No.1663/01 dated 21.03.2002, which was confirmed by the Honourable Division Bench of this Honourable Court vide the Judgment dated 24.10.2008 made in W.A.No.1302 of 2003 & batch and absorb them in regular establishment of the TANGEDCO (TNEB). Commensurate with their educational qualification and experience with all consequential monetary service and benefits.

2.The learned Counsel appearing for the petitioners states that the Honourable Division Bench has passed order in Writ Appeal No.1302/2003 granting the benefit of permanent absorption in respect of contract labourers. The similar benefit to be extended to the writ petitioners also.

3.The learned Counsel appearing on behalf of the respondent made a submission that the permanent absorption made pursuant to the orders of the Honourable Division Bench is only with reference to the terms and conditions stipulated in 12(3) Settlement, dated 10.08.2007. Thus, the case of the writ petitioners would be considered in the light of the terms and conditions stipulated in 12(3) settlement and the respondents have no objection in considering the case of the writ petitioners in the light of the judgment of the Hon'ble Division Bench as well as based on 12(3) Settlement and pass appropriate orders, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

4.In view of the submissions made by the learned counsel for the petitioners the award passed by the Inspector of Labour under the Permanent Status Act need not be given effect to. The writ petitioner is directed to submit a fresh representation and the relevant documents along with the orders passed by this Court.

5. Accordingly, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

may a

To

1. The Chairman-Cum-Managing Director,
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TANGEDCO Ltd., (TNEB),
Mettur Electricity Distribution Circle,
Mettur Dam-1

+3ccs to Mr.A.R.Suresh, Advocate, S.R.No.30813
+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.30452

W.P.No. of 28125 of 2016

SSI (CO)
CS/18/05/18