

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.43784 of 2006

And

M.P.Nos.1 and 2 of 2006

ESAB Employees Union
rep. by its Secretary

... Petitioner

Vs.

1.The Deputy Chief Inspector of
Factories - Division - II,
No.617, Bharath Kumar Bhavan,
Annasalai, Chennai - 6.

2.The Management of Easab
India Ltd., Industrial Estate,
Ambattur, Chennai - 600 058.

... Respondents

(Cause Title amended as per the order of this Court dated
13.03.2008 in M.P.No.1 of 2008 in W.P.No.43784 of 2006)

Prayer: Petition filed under Article 226 of the Constitution of
India to issue a Writ of Certiorarified Mandamus calling for the
records pertaining to the order dated 02.08.2006 passed by the
first respondent in proceedings No.Aa/406/2006, quash the same,
consequently direct the first respondent to decide their case
regarding conferment of permanency to 47 workmen in accordance
with the provisions of the Tamilnadu Industrial Establishments
(Conferment of Permanent Status to Workmen) Act, 1981 and the
Rules made there under within a time frame as may specified and
fixed by this Hon'ble Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondents: Mr.K.Ravikumar for R1
Additional Government Pleader
Mr.Ravi for R2
for M/s.Gupta and Ravi

O R D E R

The petitioner has filed this writ petition seeking
issuance of Writ of Certiorarified Mandamus calling for the
records pertaining to the order dated 02.08.2006 passed by the

first respondent in proceedings No.Aa/406/2006, to quash the same and to consequently direct the first respondent to decide their case regarding conferment of permanency to 47 workmen, in accordance with the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and the Rules made thereunder, within a time frame.

2.The case of the petitioner union is that there are 47 members in the petitioner union who are working as temporary employees in Easab India Limited, Industrial Estate, Ambattur, Chennai and the petitioner union made a representation dated 13.07.2006 to the first

respondent seeking conferment of permanent status to the said 47 members. However, the said representation was rejected by the first respondent through the impugned order dated 02.08.2006 stating that regarding the same issue, a suit in O.S.No.339 of 2003 is pending before the District Munsiff Court, Ambattur. Aggrieved by the same, the petitioner has filed this writ petition.

3.Heard both sides.

4.The second respondent has filed a counter affidavit stating that out of the said 47 employees, 16 employees have left the services of the company and they have received the benefits payable to them in full and final settlement of all their claims and in so far as the remaining 31 employees are concerned, their services have been confirmed by the second respondent company in July, 2007 and the terms of their absorption were covered in the settlement dated 30.01.2008 with the recognized union viz., Indian National Engineering Employees Union. The said 31 workmen accepted the terms of absorption as given in the settlement dated 30.01.2008 and they also agreed to withdraw all the disputes raised by them in this regard.

5.In view of the above, nothing survives for further adjudication in this writ petition. Accordingly, this writ petition is dismissed. However, it is open to the respective members of the petitioner union to work out their remedy in the manner known to law, if they are so aggrieved. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

pri

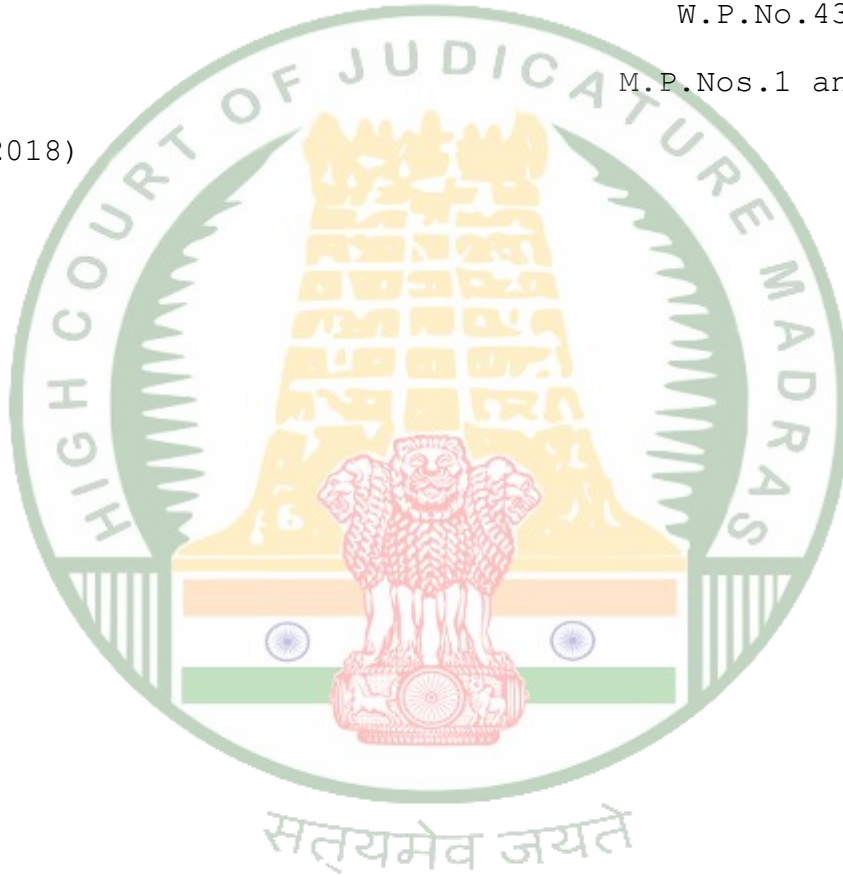
To

1.The Deputy Chief Inspector of
Factories - Division - II,
No.617, Bharath Kumar Bhavan,
Annasalai, Chennai - 6.

+lcc to Mr.Gupta & Ravi, Advocate SR.No.35232

W.P.No.43784 of 2006
And
M.P.Nos.1 and 2 of 2006

GN(13/06/2018)



WEB COPY