

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018

CORAM

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

W.P.No.1570 of 2018

and

W.M.P.No.1973 of 2018

The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
Villupuram.Petitioner

Vs

1.The Inspector of Labour,
(Authority under the Tamil Nadu
Industrial Establishment (Conferment
of Permanent Status to Workmen) Act, 1981
Villupuram District.

- 2.P.Pasupathi
- 3.N.Raja
- 4.J.Gopi
- 5.K.Shanmugasundaram
- 6.P.Balaraman
- 7.P.Kubendran
- 8.P.Ragupathi
- 9.K.Chandrabalan
- 10.A.Somasundaram
- 11.Na.Rajamuthu
- 12.D.Yuvaraj
- 13.N.Rajendran
- 14.M.Palani
- 15.M.Gopalakrishnan
- 16.T.Pushparaj
- 17.A.Jayavel
- 18.C.Sivabalan
- 19.P.Jayachandran
- 20.K.Arumugam
- 21.R.Narayanasami
- 22.A.Manisekar
- 23.A.Marimuthu
- 24.A.Dasarathan
- 25.P.Ravindran
- 26.K.Indrakumar
- 27.K.Kumaresan
- 28.M.Ravi
- 29.R.Chandrasekaran
- 30.E.Rajaraman
- 31.K.Chakrapani
- 32.Balasundaram
- 33.K.Elumalai

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 in Proceedings Pa.Mu.No.A/1930/2014, dated 22.06.2017, and quash the same.

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

For Respondents :Mr.M.Elumalai for R1
Mr.S.Doraisamy for R2 to R33

O R D E R

The relief sought for in this writ petition is to call for the records of the First Respondent in Proceedings Pa.Mu.No.A/1930/2014, dated 22.06.2017, and quash the same.

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

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

1 The Inspector of Labour,
(Authority under the Tamil Nadu
Industrial Establishment (Conferment
of Permanent Status to Workmen) Act, 1981
Villupuram District.

2 The Superintending Engineer,
Villupuram Electricity Distribution circle,
Tamilnadu Generation and Distribution Corporation,
Villupuram.

+1cc to Mr.S.Doraisamy, Advocate SR.No.52085
+1cc to Special Government Pleader SR.No.52898

W.P.No.1570 of 2018

SVN (CO)
SMI/14.08.2018

सत्यमेव जयते

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