

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM

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

W.P.Nos.6790 and 6791 of 2016
and
W.M.P.Nos.6054, 6055 of 2016

W.P.No.6790 of 2016

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

Vs

1.Inspector of Labour, Villupuram

2.P.Sankar

3.R.Kumarakrishnan

4.M.Senthil Kumar

5.L.Sureshkumar

6.R.Jayaraj

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the records relating to the award 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
for M/s.T.S.Gopalan & Co.,

For Respondents: Ms.A.Srijayanthi, (for R1)
Special Government Pleader

Mr.G.Anandakumar (for R2 to R6)

W.P.No.6791 of 2016

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

...Petitioner

Vs

1. Inspector of Labour, Villupuram

2. A. Venkatesan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the records relating to the award passed by the 1st respondent made in Na.Ka.No.A/1611/2011 dated 30.03.2015, quash the same.

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

For Respondents: Ms.A.Sri Jayanthi, (for R1)
Special Government Pleader

Mr.G.Anandaumar (for R2)

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 workmen/2 to 6 respondents in WP.No.6790 of 2016 and 2nd respondent in WP.No.6791 of 2016, 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 petitioners/ 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 representations 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.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

sai
To

The Inspector of Labour,
Villupuram

+2 Ccs to M/s.T.S. Gopalan and Co, sr 46717,46719.
+6 Ccs to Mr.G. Ananda Kumar, Advocate sr 46684.

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W.P.Nos.6790 and 6791 of 2016

SP(07/08/2018)