

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-07-2018

CORAM

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

W.P.No.6793 of 2016

and

W.M.P.No.6057 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. T. Ranjithkanna

3. T. Annandan

4. S. Sabarikireeson

5. M. Moorthy

6. V. Natarajan

7. T. Selvaraj

8. T. Kumar

9. M. Shanmugam

10. J. Madhavan

11. T. Arravindan

12. T. Subramani

13. P. Amavasai

14. S. Venkatesan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Certiorari, calling for the records relating to the award passed by the first respondent made in Na.Ka.No.A/1156/ 2010 dated 11.5.2015, quash the same.

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

For Respondent-1 : Mr. M. Elumalai,
Government Advocate.

For Respondents-2 to 14 : Mr. R. Babu

O R D E R

This writ petition is filed challenging the award passed by the Inspector of Labour granting permanent status to the workmen 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 petitioner/management, made a submission that the writ petitioner is 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 petitioner-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 petitioner-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 thereafter.

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(CS VI)

//True Copy//

Sub Assistant Registrar

Svn
To

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Villupuram Electricity Distribution Circle,
Villupuram District.
- 2.Inspector of Labour,
Villupuram.

+13cc to Mr.R.Babu, Advocate Sr.49026
+1cc to M/S.T.S.Gopalan, Advocate Sr.48263

W.P.No.6793 of 2016

srg 31/07/2018

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