

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.19498 of 2017
and
WMP.No.21044 of 2017

1. The Chairman
Tamil Nadu Generation and
Distribution Corporation Limited
No.144/800, Anna Salai,
10th Floor, Chennai 600 002.
 2. The Chief Engineer/Personnel
Tamil Nadu Generation and
Distribution Corporation Limited
No.144/800, Anna Salai,
10th Floor, Chennai 600 002.
 3. The Superintending Engineer
Chennai Electricity Distribution
Circle/North,
Tamil Nadu Generation and
Distribution Corporation Limited
No.791, Anna Salai,
Chennai 600 002. Petitioners
- vs.
1. Inspector of Labour
O/o Inspector of Labour
Thiruvallur.
 2. R.Jaganathan
 3. S.Ravi
 4. G.Kumar
 5. M.Prabhakaran
 6. E.Gnanarathinam
 7. P.Venkatesan
 8. M.Murali
 9. M.Mohammed Sheriff
 10. M.Naseer Ahamed
 11. N.Thameen Ansari
 12. J.Rajasekar
 13. T.Jeevanandam
 14. C.Prabhu

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15.P.Kannan
16.V.Saranraj
17.P.Tharani
18.N.Nainiyappan
19.S.Balaji
20.K.Senthil
21.R.Mayakrishnan
22.C.Premkumar
23.S.Pandian
24.D.Nagarajan
25.M.Moorthy
26.M.Sivakumar
27.V.Vignesh
28.S.Srinivasan
29.K.Prasath
30.S.Gokul
31.J.Premkumar
32.P.Vinayagam
33.E.Jegan
34.K.Kannan
35.R.Gopi
36.K.Hari
37.G.Dillibabu
38.R.Sathiskumar
39.R.Raja
40.D.Mohan
41.R.Gnanasekaran

...Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records from the first respondent in Proceedings No.Na.Ka.No.E/199/2015, and quash the order of the first respondent dated 26.12.2016.

For Petitioner : Mr.G.Anand
for Mr.T.S.Gopalan & Co.,
For Respondents : Ms.K.Sheeba
for M/s. Paul and Paul,
for R2 to R41

O R D E R

This Writ Petition is filed challenging the proceedings of the first respondent dated 26.12.2016, wherein and whereby the first respondent granted permanent status to the respondents 2 to 41.

2. It is represented by both sides that similar writ petitions filed by the Tamil Nadu Electricity Board in W.P.Nos.22715 of 2013 etc., were disposed of, by passing a common order dated 25.04.2018 and that the same order may be passed in this writ petition also. A memo on behalf of the

respondents 2 to 41 is also filed by the learned counsel for the respondents 2 to 41, stating as follows:

"2. It is submitted that, the petitioner's Electricity Corporation had filed similar Writ Petitions against the similarly placed workmen in W.P.Nos.22715, 25150, 30276 of 2016, W.P.Nos.3449, 17487 of 2014 and W.P.No.38061 of 2015 and these Writ petitions were disposed on 25.04.2018 with the following directions:-

para 4:

"In this view of the matter the workmen are permitted to submit fresh representation to the Writ Petitioners managements, 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 engagements as contract labourer. In the event of receiving any such representation from the workmen, the 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."

3. It is submitted that, the respondents 2 to 41 are also willing to make representations and to appear before the respondents as like other similarly situated workmen. For that purpose, an order as passed in the above mentioned Writ Petitions need to be passed in this Writ Petition.

4. In view of the above mentioned facts and circumstances, the respondents 2 to 41 humbly prays that this Hon'ble Court may be pleased to pass similar orders passed in WP.Nos.22715, 25150, 30276 of 2016, WP.Nos.3449, 17487 of 2014 and WP.No.38061 of 2015 and thus render justice."

3. In W.P.Nos.22715 of 2013 etc., dated 25.04.2018, the learned Judge permitted the workmen therein to submit a fresh representation to the management along with all necessary documents, establishing their engagements as contract labourer and with further direction to the management to consider the said representation, in the light of the Board proceedings No.9 dated 09.01.2008 and pass orders on merits and in accordance with law. The relevant portion of the order reads as follows:

" 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 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 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 (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."

4. Since the issue involved in this case is similar to the one in those writ petitions, which were disposed of, as stated supra and in view of the fact that both sides seek for disposal of this present writ petition on similar lines, this writ petition is disposed of, by permitting the workmen/respondents 2 to 41 herein to submit a fresh representation 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. On receipt of such representation, the writ petitioner-Management shall consider the same, in the light of the Board proceedings No.9 dated 09.01.2008 and pass orders on

merits and in accordance with law, within a period of twelve weeks thereafter. In view of the above said order passed by this Court, the order passed by the first respondent, impugned in this writ petition, cannot be insisted upon, in the event of considering the case of workmen, in the light of the Board Proceedings No.9 dated 09.01.2008. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk

To

The Inspector of Labour
O/o Inspector of Labour
Thiruvallur.

+1cc to Mr.T.S.Gopalan & Co, Advocate sr.no.77299
+1cc to M/s. Paul and Paul, Advocate sr.no.77630

WP. No.19498 of 2017

kgk(co)
nr 10/12/2018



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