

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKEVALU

W.P.Nos.29807 to 29816 of 2002

The Superintending Engineer,
Dharmapuri Elec. Distribution Circle,
Tamilnadu Electricity Board,
Dharmapuri

...Petitioner
in all W.Ps.

vs

1.The Presiding Officer,
Labour Court,
Salem.

...R1 in all W.Ps.

2.V.Chinnasamy	...R2 in W.P.29807/02
3.N.Kasappa	...R2 in W.P.29808/02
4.B.Nagarajan	...R2 in W.P.29809/02
5.A.Muniyappa	...R2 in W.P.29810/02
6.K.Sivam	...R2 in W.P.29811/02
7.D.Narashimman	...R2 in W.P.29812/02
8.S.Muniappan	...R2 in W.P.29813/02
9.M.Durai	...R2 in W.P.29814/02
10.V.Ramakrishnan	...R2 in W.P.29815/02
11.K.Chinnaraj	...R2 in W.P.29816/02

Common Prayer:Writ petitions filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records of the First Respondent relating to his common order dated 20.07.2001 passed in C.P.Nos.924/98, 932/98, 926/98, 925/98, 916/98, 929/98, 927/98, 931/98, 930/98 and 928/98 respectively and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.M.Fakkir Mohideen
in all W.Ps.

For Respondents: R1-Court
in all W.Ps. No appearance for R2

C O M M O N O R D E R

Heard Mr.M.Fakkir Mohideen, Learned Counsel appearing for the Petitioner. There is no representation for the Second Respondent in any of these Writ Petitions, either in person or through Counsel, despite service of notice.

2.The Tamil Nadu Electricity Board is the Petitioner in this batch of Writ Petitions challenging the common order dated 20.07.2001 in C.P. Nos. 288 to 290 of 2000 passed by the First Respondent/Labour Court, Salem under Section 33-C(2) of the Industrial Disputes Act, 1947.

3.The Chief Manager (Personnel) of the Tamil Nadu Electricity Board by Memo No. 127491/BOAB/IR-I(1)/96-2 dated 13.12.1996 and Memo No. 125303/IRI(1)/97-2 dated 24.10.1997 had granted ex-gratia payment of Rs. 200/- for the financial year 1995-1996 and Rs. 250/- for the financial year 1996-1997 respectively to the contract labourers who had completed 5 years of regular service as on 31.03.1996 and had worked for a minimum period of 30 days during those respective financial years.

4. The Second Respondent in each of these Writ Petitions, who had been engaged as contract labourers by the Petitioner, had made claims for the aforesaid monetary benefit aggregating to Rs. 450/- for each of them in the aforesaid proceedings before the First Respondent, which has been awarded to them in the impugned common order.

5.The grievance of the Petitioner in this batch of Writ Petitions is that the Second Respondent/contract labourer in each of the cases had not worked for the required minimum period of 30 days during the two financial years, which has been verified by the Committee appointed by the Petitioner in that regard, but the First Respondent has brushed aside the same while passing the impugned common order granting that monetary benefit.

6.It requires to be noticed here that in the order dated 19.08.2002 in W.P.M.P. Nos.48338, 48340, 48342, 48344, 48346, 48348, 48350, 48352, 48354, and 48356 of 2002 passed by this Court in these Writ Petitions, the Petitioner has been directed to pay the amounts due under the impugned common order to the respective Second Respondent/contract labourer without prejudice to its rights in the Writ Petitions.

7.That apart, a memo dated 18.07.2018 has been filed by the Learned Counsel for the Petitioner that the Second Respondent/contract labourer in each of these cases has been absorbed as regular employee in the services of the Tamil Nadu Generation and Distribution Corporation Ltd., in terms of its proceedings No. 22 dated 25.10.2012, during the pendency of these Writ Petitions.

8.Having regard to the fact that the ex-gratia amount involved in these Writ Petitions is a paltry sum of Rs. 450/- in

each of the cases, which has also been paid to the respective Second Respondent/contract labourer, who have been subsequently absorbed as regular employee, it would be a futile exercise for this Court at this distance of time to examine the contentions raised by the Petitioner questioning the common impugned order. However, inasmuch as no opinion has been expressed by this Court on the correctness or otherwise of the impugned common order of the First Respondent, it is equally made clear that if persons similarly placed to Second Respondent in these writ petitions make any claim for identical relief in subsequent proceedings, the same shall be decided on its own merits in accordance with law, uninfluenced and uninhibited by the findings recorded in the common order of the First Respondent that has been impugned in these Writ Petitions.

9.The Writ Petitions are disposed of with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court,
Salem.

+1cc to Mr.M.Fakkir Mohideen, Advocate SR.NO.47987

SVN(CO)
sm:30.8.2018

W.P.Nos.29807 to 29816 of 2002

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