



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.979 of 2018

and

C.M.P(MD)No.6635 of 2018

The Executive Engineer,
TWAD Board,
Maintenance Division,
Dindigul.

... Appellant/Petitioner

Vs.

1. The Inspector of Labour,
Dindigul.
2.A.Muthupandi
3.A.Jesuraj
4.A.Anthony
5.M.Velmurugan
6.P.Ganesan
7.T.Manikkam
8.P.Shanmugam
9.S.Ramamoorthi
10.M.Ramasamy
11.M.Jegadeeshkumar
12.N.Manikandan

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 22.02.2018 made in W.P(MD)No.16108 of 2014, on the file of this Court.

Prayer in WP(MD). 16108/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the impugned order in CPS. NO. 4 / 2011 to 14/2011 dated 18.09.2014 passed by the 1st Respondent and quash the same.

For Appellant	: Ms.Porkodi Karnan
For R - 1	: Mr.A.K.Baskarapandian, Special Government Pleader
For RR 2 to 12	: Mr.S.Arunachalam

JUDGMENT



The present Writ Appeal is filed challenging an order passed by the learned Single Judge dated 22.02.2018 in W.P(MD)No.16108 of 2014.

2.The writ petition was filed by the Executive Engineer, TWAD Board, Maintenance Division, Dindigul seeking a Writ of Certiorari calling for the records in CPS.No.4 of 2011 to 14 of 2011, dated 18.09.2014 passed by the Inspector of Labour, Dindigul and quashing of the same. The Inspector of Labour had come to the conclusion that the prayer of the private respondents for grant of permanent status was liable to be accepted.

3.There is a categoric finding of fact that the contractor system said to be in place was a mere smoke screen and therefore the veil was liable to be lifted. Consequently, the contention of the private respondents to the effect that there was an employer and employee relationship between the Board and the private respondents has to be accepted.

4.We have heard Mr.A.K.Baskarapandian, learned Special Government Pleader, who takes notice for the first respondent and Mr.S.Arunachalam, learned counsel for private respondents 2 to 12.

5.We see that an identical issue has been come up for consideration before this Court and a Division Bench, by order dated 24.08.2012 in the case of **Executive Engineer and two others Vs. the Inspector of Labour, Then and 18 others** in writ appeal in W.A.No.1644 of 2012 has dismissed the appeal of the Board. The private respondents in that case were also directed to be granted permanent status in identical circumstances.

6.In view of the aforesaid, we see no infirmity in the order impugned before us that stands confirmed. The Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Inspector of Labour,
Dindigul.

+1cc to Ms.Porkodi Karnan, Advocate SR.No.74934

+1cc to Mr.S.Arunachalam, Advocate SR.No.75001

Ps

MK/KAK/SAR 2/06.08.2018/2P/4C