



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.07.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P(MD)No.12606 of 2016
and
WMP(MD)No.9521 of 2016

1.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli - 11.

2.The Chief Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd,
144, Anna Salai, Chennai - 2.

3.The Chairman,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd,
Chennai - 2.

... Petitioners

Vs.

1.The Inspector of Labour, Tirunelveli.

2.K.Balaji

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the first respondent in relation to his proceedings in Na.Ka.No.6243/2013 dated 15.05.2015 and quash the same as illegal.

For Petitioner : Mrs.P.Malini
for Mr.T.S.Gopalan & Co

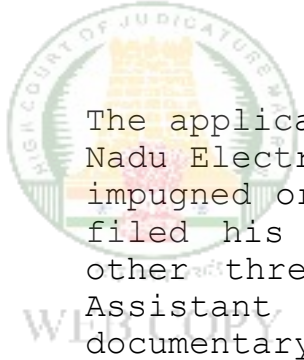
For Respondents : Mrs.S.Srimathy,
Special Govt.Pleader for R1

Mr.S.Malaikani for R2

ORDER

Heard the learned counsel on either side.

2.The second respondent Thiru.K.Balaji filed an application before the Inspector of Labour, Tirunelveli claiming permanency.



The application filed by the second respondent was allowed by Tamil Nadu Electricity Board. This Court went through the contents of the impugned order. It is seen that the second respondent/claimant had filed his educational qualification as the first document. The other three documents are only some communications sent by the Assistant Engineer. Other than this, there is absolutely no documentary evidence adduced by the applicant. TNEB has issued circulars on more than one occasion specifically holding that its officials are not entitled to issue certificates in favour of the contract labour as if they have worked for a given period.

3.It is also a fact that the statutory authority constituted under the Tamil Nadu Industrial Establishment (conferment of permanent status to workmen) Act, 1981 has certain special powers by which the authority can call for the relevant records and ascertain the facts. In this case, the applicant did not avail or invoke the said powers.

4.This Court is of the view that the interest of justice would be better served by giving one more opportunity to the second respondent to workout his remedies before the statutory authority. In fact, this Court suggested to the counsel on either side that an order of remand can be made. The course of action suggested by this court is acceptable to the counsel on either side. In this view of the matter, the order impugned in this writ petition is set aside. The matter is remitted to the file of the first respondent. The first respondent shall conclude the entire proceedings afresh within a period of three months from the date of receipt of a copy of this order.

5.This writ petition is allowed on these terms. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To
The Inspector Of Labour,
Tirunelveli.

+1CC to Mr.T.S.Gopalan &Co Advocate in SR.No.76297.
+1CC to M/s.S.Malaikani Advocate in SR.No.76045.

SKM
DS/SKN-RSK/SAR-4 :03.08.2018: 2P/4C

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