

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12412, 12413, 12415, 12421, 12422, 12423, 12424, 12425, 12427, 12429, 12430, 12431, 13422, 13423, 13424, 13425, 13427, 13428, 13429, 13430, 13431, 13432, 13434, 13435, 13436, 13437, 13438, 13440, 13441, 13442, 13443, 13444 and 13445 of 2016
and

W.M.P.Nos.10753, 10754, 10756, 10762, 10763, 10764, 10765, 10766, 10768, 10770, 10771, 10772, 11777, 11778, 11779, 11780, 11782, 11783, 11784, 11785, 11786, 11787, 11789, 11790, 11791, 11792, 11793, 11795, 11796, 11797, 11798, 11799, 11800 of 2016

W.P.No.12412 of 2016

The Superintending Engineer
Tamil Nadu Electricity Board,
Cuddalore.

: Petitioner in all Wps.

vs.

1. The Presiding Officer,
Labour Court, Cuddalore : 1st Respondent in all Wps.

2.V.Ramadoss : 2nd Respondent in W.P.No.12412/2016
3.M.Velayutham : 2nd Respondent in W.P.No.12413/2016
4.P.Sathiyathan : 2nd Respondent in W.P.No.12415/2016
5.K.Sathish : 2nd Respondent in W.P.No.12421/2016
6.N.Venkatesan : 2nd Respondent in W.P.No.12422/2016
7.R.Prabakaran : 2nd Respondent in W.P.No.12423/2016
8.E.Sivakumar : 2nd Respondent in W.P.No.12424/2016
9.A.Ravi : 2nd Respondent in W.P.No.12425/2016
10.P.Saminathan : 2nd Respondent in W.P.No.12427/2016
11.S.Murali : 2nd Respondent in W.P.No.12429/2016
12.R.Rathinavel : 2nd Respondent in W.P.No.12430/2016
13.K.Sankrishnan : 2nd Respondent in W.P.No.12430/2016
14.A.S.Natarajan : 2nd Respondent in W.P.No.12431/2016
15.G.Ravichandran : 2nd Respondent in W.P.No.13423/2016
16.V.Sekar : 2nd Respondent in W.P.No.13424/2016
17.K.Prabhakaran : 2nd Respondent in W.P.No.13425/2016
18.M.Ajaikumar : 2nd Respondent in W.P.No.13427/2016
19.B.Sakthivel : 2nd Respondent in W.P.No.13428/2016
20.M.Rajendiran : 2nd Respondent in W.P.No.13429/2016
21.S.Jeganathan : 2nd Respondent in W.P.No.13430/2016
22.T.Mahendran : 2nd Respondent in W.P.No.13431/2016
23.S.Sivaprakasam : 2nd Respondent in W.P.No.13432/2016
24.J.Subramanian : 2nd Respondent in W.P.No.13434/2016

25.D.Thanikachalam : 2nd Respondent in W.P.No.13435/2016
26.P.Venkatesan : 2nd Respondent in W.P.No.13436/2016
27.R.Kumaran : 2nd Respondent in W.P.No.13437/2016
28.K.S.Manikandan : 2nd Respondent in W.P.No.13438/2016
29.P.Aranganathan : 2nd Respondent in W.P.No.13440/2016
30.K.Murugan : 2nd Respondent in W.P.No.13441/2016
31.G.Tamilselvan : 2nd Respondent in W.P.No.13442/2016
32.S.Sureshkumar : 2nd Respondent in W.P.No.13443/2016
33.T.Devanathan : 2nd Respondent in W.P.No.13444/2016
34.S.Nagarajan : 2nd Respondent in W.P.No.13445/2016

Prayer in WP.No.12412 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.277/2008 dated 27.01.2014, quash the same.

Prayer in WP.No.12413 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.278/2008 dated 27.01.2014, quash the same.

Prayer in WP.No.12415 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.281/2008 dated 27.01.2014, quash the same.

Prayer in WP.No.12421 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.5/2010 dated 27.01.2014, quash the same.

Prayer in WP.No.12422 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.7/2010 dated 27.01.2014, quash the same.

Prayer in WP.No.12423 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.156/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.12424 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.183/2009 dated 22.01.2014, quash the same.

Prayer in WP.No.12425 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.184/2009 dated 22.01.2014, quash the same.

Prayer in WP.No.12427 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.203/2009 dated 22.01.2014, quash the same.

Prayer in WP.No.12429 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.205/2009 dated 22.01.2014, quash the same.

Prayer in WP.No.12430 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.206/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.12431 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.208/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13422 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.209/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13423 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.210/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13424 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.213/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13425 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.214/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13427 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.216/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13428 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.217/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13429 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.218/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13430 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.219/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13431 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.220/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13432 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.221/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13434 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.223/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13435 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.224/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13436 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.225/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13437 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.229/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13438 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.239/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13440 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.243/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13441 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.246/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13442 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.252/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13443 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.253/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13444 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.254/2009 dated 27.01.2014, quash the same.

Prayer in WP.No.13445 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.255/2009 dated 27.01.2014, quash the same.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan &Co
[in all W.Ps]

For Respondents : R1-Labour Court
[in all W.Ps]
R2 - Mr.N.Suresh
[in all W.Ps]

C O M M O N O R D E R

The awards passed by the Labour Court in Computation Petitions, are sought to be quashed in the present writ petitions. The issues involved in the writ petitions are one and the same and hence, they are disposed of by this common order.

2. The writ petitioners are the Tamil Nadu Electricity Board.

3. The learned counsel appearing on behalf of the writ petitioners made a submission that the awards passed under Section 33(C)(2) of the Industrial Disputes Act are not maintainable and perverse on account of the fact that the entitlement as well as the pre-existing right has not been definitely derived by the Labour Court and therefore, the awards are liable to be scrapped.

4. The respondents/workmen were working as Contract labourers, filed applications under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to workmen) Act, 1981. The competent authority namely the Inspector of Labour concerned, passed orders, granting permanency under the Act. Against the orders passed by the respective Inspectors of Labour, the Tamil Nadu Electricity Board filed writ petitions and they became final. Some of the awards have been challenged in November 2019 and those writ petitions are pending before this Court. The Tamil Nadu Electricity Board has filed a criminal complaint before the Competent Police, stating that 22 out of the 28 orders passed by the Inspectors of Labour is forged orders and issue in this regard is now pending before the Competent Criminal Court at Cuddalore. Based on such orders of the Inspectors of Labour, some of the contract labourers have filed writ petitions, seeking enforcement and those cases have also attained finality.

5. As far as the present writ petitions are concerned, the same have been filed by the Tamil Nadu Electricity Board against the orders passed by the Labour Court, Cuddalore in the petitions filed by the contract labourers under Section 33(C)

(2) of the Industrial Disputes Act. The contract labourers had filed the Computation petitions, seeking wages payable to the post of Helper, based on the orders of the Inspector of Labour passed under the Permanency Act. The Tamil Nadu Electricity Board had filed a counter statement, stating that the Contract labourers had not furnished any details as to the place and section they had worked and in the absence of such particulars, it would not be possible to furnish the details of the days, such contract labourers had worked and other details.

6. The Labour Court has passed an order in routine manner without appreciating the grounds raised by the Tamil Nadu Electricity Board with reference to the verification of the details as well as the period of work done by such contract labourers.

7. The learned counsel for the writ petitioner reiterated that the writ petitions are already filed, challenging the orders of Inspector of Labour under the Permanency Act and in respect of certain orders, the criminal complaint was also registered and such criminal cases are also pending before the competent Criminal Court of Law, as those awards are found to be forged one.

8. With this background, the learned counsel for the writ petitioner contended that even assuming, without admitting that orders of Inspector of Labour becomes final, it would only provide a right on the contract labourers to claim permanent status. The orders passed by the Inspector of Labour merely confers the status of a permanent workmen. However, those orders are under challenge and the genuinity of some of the orders were also now questioned by the Tamil Nadu Electricity Board by registering a criminal complaint, which is pending before the Criminal Court of Law.

9. The claim in the present cases are for wages for the period, more specifically, subsequent to the orders passed by the Inspectors of Labour. In other words, it is contended that the Inspectors of Labour passed an order and thereafter, the present claim petitions are filed, claiming wages for the subsequent period. Under these circumstances, it would be necessary to establish that these contract labourers worked in those period, for the purpose of considering the cases. However, the Labour Court has not verify the service particulars nor the contract labourers established that they have worked during the particular period, so as to consider their Computation Petitions. Contrarily, the Labour Court passed an order in a mechanical manner, merely based on the orders passed by the Inspectors of Labour under the permanent Status Act.

10. It is contended that the verification of the period, during which, these contract labourers were worked with the Tamil Nadu Electricity Board, is the point to be considered for the purpose of entertaining the Computation Petition under Section 33(C)(2) of the Industrial Disputes Act. In the absence of establishing a pre-existing right or a right, which is conferred by way of a 12(3) Settlement or otherwise, the Labour Court would not entertain a computation petition under section 33(C)(2) of the Industrial Disputes Act. Thus, establishing a pre-existing right and entitlement is a pre-condition for maintaining a petition under Section 33(C)(2) of the Industrial Disputes Act. However, the Labour Court failed to verify these pre-conditions, which is a mandatory one, with reference to Section 33(C)(2) of the Industrial Disputes Act.

11. It is contended that the order of the authority was for the period, prior to which the claim is made. The authorities could not have adjudicated or concluded that the contract labour was working for the period, for which, the wages were being claimed. In other words, after the order passed by the Inspectors of Labour, whether the contract labourers worked with the Tamil Nadu Electricity Board or not, is to be ascertained at the first instance, so as to arrive a conclusion that the contract labourers, who filed these claim petitions, are entitled to claim wages for the period, during which, they worked. In the absence of any such order to that effect by the Inspectors of Labour, the Labour Court ought not to have entertained the claim petition filed by these respondents under Section 33(C)(2) of the Industrial Disputes Act.

12. The Tamil Nadu Electricity Board in its counter before the Labour Court, has stated that the contract labourers concerned, have not stated the service particulars, place and section, in which, they had worked and other details, enabling the Tamil Nadu Electricity Board to verify such particulars. Thus, in the counter, they have stated that in the absence of any such particulars, the Tamil Nadu Electricity Board was not in a position to furnish the details regarding the contract labourers, who all are the petitioners in the claim petitions. The complaint made by the learned counsel for the writ petitioners is that the Labour Court has miserably failed to appreciate the contention that in the absence of the service particulars, it may not be possible for the Tamil Nadu Electricity Board to arrive at a conclusion and find out the fact, whether these contract Labourers had worked during the relevant period or not. In such circumstances, the Labour Court ought to have insisted the contract labourers to furnish the details. In the absence of any such details, Computation Petitions would not be maintainable at all. Based on the

blanket claim that the contract labourers served during the particular point of time and in the absence of any such award or the order of Inspectors of Labour, the Computation petitions under Section 33(C) (2) cannot be maintainable at all.

13. The contract labourers have claimed that they are entitled for a monthly salary of Rs.6,601/-. The burden was on the Contract Labourers to establish that the wages for a Helper, during the relevant period was Rs.6,601/-. The Tamil Nadu Electricity Board was denying the very engagement itself and when the engagement itself was contested, the Labour Court ought to have insisted the contract Labourers to furnish the service details and particulars, so as to establish that these contract Labourers had worked during the relevant point of time with the Tamil Nadu Electricity Board. Thus, the Labour Court has failed to appreciate that there is no evidence to establish the claim for wages, more specifically, for a sum of Rs.6,601/- per month. Even in case, the contract Labourers had employed during the relevant point of time, they would have filed a computation petition seeking differences in wages between what they have received as a contract labourer and what they are entitled to, as a permanent workmen, whereas the claim made in the Computation Petitions are that they had worked for years together without receiving any wages at all. Such a statement is unbelievable. The contract labourers cannot work for years together without any wages at all. These doubts raised by the Tamil Nadu Electricity Board were not considered by the Labour Court and contrarily, the Labour Court passed an order in a routine manner and ordered the Computation Petition in favour of the workmen.

14. The very fact that the Computation Petitions were filed, claiming the entire wages, as if no salary, no wages were paid to these contract labourers for years together, would show that these contract Labourers were not at all engaged. In this regard, the Labour Court ought to have drawn the factual inference that it may not be possible for the contract labourers to work for years together, without payment of any wages. Even otherwise, if the fact is so, then the contract labourers, who approached the Labour Court, should establish that they worked in a particular station in the particular point and their services were also endorsed by the competent authorities and therefore, they are entitled for wages. In the absence of any such service particulars and details of the place of work and station, the Labour Court ought not to have entertained the Computation Petitions filed under Section 33(C) (2) of the Industrial Disputes Act.

15. The learned counsel appearing on behalf of the contract Labourers strenuously contended that the Computation Petitions were filed mainly on the ground that the wages were not paid to these contract labourers. Merely because the claim is set out for the entire wages and that does not mean that the Tamil Nadu Electricity Board paid wages to these contract labourers. Such statements are made by the Tamil Nadu Electricity Board on presumptions and assumptions and the fact established before the Labour Court by these contract labourers were that they worked and they have not been paid any wages for the period, during which, they worked. Thus, there is no infirmity or perversity in respect of the awards passed by the Labour Court in the Computation Petitions.

16. The learned counsel for the second respondent / workmen, made further submissions by stating that the criminal cases were already dropped. However, such a statement was disputed by the learned counsel for the petitioner and therefore, this Court is of an opinion that the pendency of the Criminal case is subject to verification. However, the learned counsel for the petitioner states that the criminal cases are pending.

17. As far as these contract Labourers are concerned, it is an admitted fact that they were engaged by the private contractors, with whom the Tamil Nadu Electricity Board entered into an agreement, for the purpose of executing the works specified by the Tamil Nadu Electricity Board. Thus, it is an admitted fact that these contract labourers were not directly engaged by the Tamil Nadu Electricity Board. These contract Labourers were not recruited by the Tamil Nadu Electricity Board nor an appointment order was issued to them. Thus, the Tamil Nadu Electricity Board is to be construed as a Principal employer, as far as these contract labourers are concerned. However, the Inspectors of Labour order states that these contract labourers were the employees of the Tamil Nadu Electricity Board. As far as the said dispute is concerned, the writ petitions are pending and the Tamil Nadu Electricity Board also challenged the awards passed by the Inspectors of Labour, passed under the Conferment of Permanent Status Act.

18. The learned counsel for the workmen has stated that some of the awards were already confirmed. However, all these disputes are not having any relevancy, as far as the Computation Petitions, which all are under challenge in the present writ petitions.

19. This Court of the considered opinion that the Computation petitions filed under Section 33(C)(2) would be entertainable, if the person, approaching the Labour Court, is

able to establish that there is a pre-existing right and he is entitled to claim such benefits. Thus, the preliminary requirement as contemplated under Section 33(C)(2) of the Industrial Disputes Act is to be verified and ascertained by the Labour Court at the first instance. Then only, the Labour Court can proceed further for the purpose of Computation of the monetary value. In other words, the maintainability of the Computation Petition with reference to the ingredients of Section 33(C)(2) must be considered and finding is to be arrived as a preliminary point, so as to proceed with the computation petition as claimed in the applications filed under Section 33(C)(2) of the Industrial disputes Act. It is relevant to consider the ingredients of Section 33(C)(2), which states that "where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government."

20. Thus, it is unambiguous that the workmen must be entitled to receive from the employer any money or benefit. Secondly, such benefit must be capable of being computed in terms of money. Thereafter, the computation is to be done. As far as the first two ingredients are concerned, the entitlement is to be established and the capability of being computed is also to be ascertained. To ascertain these two ingredients, the Labour Court, first of all, should consider the fact, whether the workmen had worked or not. If the workmen had worked, then the period of service is to be taken into account. Thereafter, the wages already paid, is to be ascertained. If no wages are paid, then the salary payable to such an employee is to be taken into consideration. Thereafter, the Computation aspect is to be gone into for the purpose of ascertaining the monetary value. All these aspects are the pre-conditions, which are all the mandatory ingredients, which is to be followed for passing an award under Section 33(C)(2) of the Industrial Dispute Act. In the absence of these particulars, the Labour Court cannot arrive a conclusion, based on the particulars given in a petition alone. Such claims made in the applications are to be supported with documents and when the Tamil Nadu Electricity Board raised a ground that no such service particulars are available, as these contract labourers were not at all engaged, then the Labour Court ought to have insisted the contract labourers to file the details and documents, enabling the Court to compute the monetary value. However, none of these procedures were followed by the Labour Court, while allowing the Computation petition. No such details are made available in

the award impugned in the present writ petitions. In the absence of any such particulars and details, the Labour Court ought not to have allowed the Computation Petitions. Contrarily, the Labour Court ought to have directed / insisted the Contract Labourers to establish the period, during which, they worked as a contract Labourer and the wages paid and other service details, so as to compute the monetary value under Section 33(C) (2) of Industrial Dispute Act.

21. The learned counsel appearing on behalf of the writ petitioner states that if those particulars are available even now, the contract Labourers concerned, may file a Computation Petition afresh before the Labour Court and they are ready to defend, based on the materials available on record.

22. The learned counsel appearing on behalf of the contract labourers made a submission that some of the particulars are available with the Tamil Nadu Electricity Board itself. The Tamil Nadu Electricity Board can scrutinize / verify those service particulars of these contract labourers and if the statement made in the Computation Petitions are true, then they can consider the cases of such contract labourers for settlement of the dues to be paid towards wages.

23. In order to countenance such arguments, this Court of an opinion that such an exercise of verification of documents can be done by the competent officials of the Tamil Nadu Electricity Board. If the files are available, then the authorities competent of the Tamil Nadu Electricity Board has to verify the same, with reference to the petitions/representations submitted by these contract labourers and if there is any truth or availability of record and those cases can be considered. Equally, when the contract labourers are able to secure those documents and particulars, then also, they are at liberty to redress their grievances in the manner known to law.

24. As far as the impugned awards are concerned, the same are perverse, on account of the fact that the awards were passed, without verification of the service particulars and details and the contract labourers had not produced any records to establish that they had worked during the particular period and not received any wages. Therefore, the very awards passed, is in violation of the mandatory requirements as contemplated under Section 33(C) (2) of the Industrial Disputes Act.

25. Accordingly, the Awards passed by the Labour Court, Cuddalore in the following Computation Petitions are quashed:

Sl. Nos.	C.P.Nos.	Dated	In W.P.Nos.
1	C.P.No.277/2008	27.01.2014	W.P.No.12412/2016
2	C.P.No.278/2008	27.01.2014	W.P.No.12413/2016
3	C.P.No.281/2008	27.01.2014	W.P.No.12415/2016
4	C.P.No.5/2010	27.01.2014	W.P.No.12421/2016
5	C.P.No.7/2010	27.01.2014	W.P.No.12422/2016
6	C.P.No.156/2009	27.01.2014	W.P.No.12423/2016
7	C.P.No.183/2009	22.01.2014	W.P.No.12424/2016
8	C.P.No.184/2009	22.01.2014	W.P.No.12425/2016
9	C.P.No.203/2009	22.01.2014	W.P.No.12427/2016
10	C.P.No.205/2009	22.01.2014	W.P.No.12429/2016
11	C.P.No.206/2009	27.01.2014	W.P.No.12430/2016
12	C.P.No.208/2009	27.01.2014	W.P.No.12431/2016
13	C.P.No.209/2009	27.01.2014	W.P.No.13422/2016
14	C.P.No.210/2009	27.01.2014	W.P.No.13423/2016
15	C.P.No.213/2009	27.01.2014	W.P.No.13424/2016
16	C.P.No.214/2009	27.01.2014	W.P.No.13425/2016
17	C.P.No.216/2009	27.01.2014	W.P.No.13427/2016
18	C.P.No.217/2009	27.01.2014	W.P.No.13428/2016
19	C.P.No.218/2009	27.01.2014	W.P.No.13429/2016
20	C.P.No.219/2009	27.01.2014	W.P.No.13430/2016
21	C.P.No.220/2009	27.01.2014	W.P.No.13431/2016
22	C.P.No.221/2009	27.01.2014	W.P.No.13432/2016
23	C.P.No.223/2009	27.01.2014	W.P.No.13434/2016
24	C.P.No.224/2009	27.01.2014	W.P.No.13435/2016
25	C.P.No.225/2009	27.01.2014	W.P.No.13436/2016
26	C.P.No.229/2009	27.01.2014	W.P.No.13437/2016
27	C.P.No.239/2009	27.01.2014	W.P.No.13438/2016
28	C.P.No.243/2009	27.01.2014	W.P.No.13440/2016
29	C.P.No.246/2009	27.01.2014	W.P.No.13441/2016
30	C.P.No.252/2009	27.01.2014	W.P.No.13442/2016
31	C.P.No.253/2009	27.01.2014	W.P.No.13443/2016
32	C.P.No.254/2009	27.01.2014	W.P.No.13444/2016
33	C.P.No.255/2009	27.01.2014	W.P.No.13445/2016

26. Thus, all the writ petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Labour Court, Cuddalore.

W.P.Nos. 12412, 12413, 12415,
12421, 12422, 12423, 12424,
12425, 12427, 12429, 12430,
12431, 13422, 13423, 13424,
13425, 13427, 13428, 13429,
13430, 13431, 13432, 13434,
13435, 13436, 13437, 13438,
13440, 13441, 13442, 13443,
13444 and 13445 of 2016

CP (CO)
CSR (31/12/2019)

सत्यमेव जयते

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