

THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.09.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.2182 of 2019
and
W.M.P.No.2427 of 2019

The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore - 632002.

..Petitioner

Vs.

1. The Inspector of Labour
Authority under the Industrial Establishments
(Conferment of Permanent Status to Workmen) Act,
Vellore.
2. M.Hari
3. S.Sathiakumar
4. K.Saranraj
5. R.Boopalan
6. C.Mohanraj
7. P.Mahesh
8. N.Chidambaram
9. A.Arun
10. S.Rajavelu
11. K.Selvam
12. M.Umapathy
13. N.Jayaprasath

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari to
call for the records of the first respondent in Na.Ka.No. E/460

of 2017, Na.Ka.No. E/542/2017, Na.Ka.No. E/589/2017, Na.Ka.No. E/590/2017, Na.Ka.No. E/591/2017, Na.Ka.No. E/592/2017, Na.Ka.No. E/593/2017, Na.Ka.No. E/594/2017, Na.Ka.No. E/595/2017, Na.Ka.No. E/596/2017, Na.Ka.No. E/834/2017, Na.Ka.No. E/1117/2017 and quash its common order dated 11.09.2017.

For Petitioner : Mr.Anand Gopalan
For M/s. T.S.Gopalan & Co.

For Respondents: Mr.J.Ramesh
Additional Government Pleader [R1]
No Appearance [R2 to R8]
Mr.K.Sasindran [R9 to R13]

O R D E R

This writ petition is filed challenging the award passed by the Inspector of Labour granting permanent status to the workmen by the Tamil Nadu Electricity Board.

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 petitioner is 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 petitioner/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 petitioner/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.

6. Accordingly, this writ petition stands disposed of. However, there is no order as to costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sni

To

The Inspector of Labour
Authority under the Industrial Establishments
(Conferment of Permanent Status to Workmen) Act,
Vellore.

+lcc to Mr.K.Sasindran, Advocate sr.81665
+lcc to M/s.T.S.Gopalan & Co, Advocate sr.81267
+lcc to Government Pleader SR.NO. 81586

W.P.No.2182 of 2019

rsv(co)
nr 12/11/2019