

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.35250 of 2003

1. Mayili (Deceased)
2. Sekar
3. Selvi

P2 and P3 are substituted as legal heirs of Deceased petitioner as per order dated 12.09.2019 in W.M.P.No.328 of 2010 in W.P.No.35250/2003 ... Petitioner

Vs

- 1.The Chief Engineer,
Mettur Thermal Power Station,
Tamil Nadu Electricity Board,
Mettur Dam,
Salem District.

- 2.The Presiding Officer,
Labour Court, Salem. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records relating to order dated 26.03.2003 passed in C.P.No.551/2000 from the 2nd respondent quash the same, and direct the first respondent to pay the petitioner Rupees One Lakh as Family Benefit Fund due to the death of the petitioner's husband while in service.

For Petitioner :Mr.V.Ajoy Khose

For Respondents:Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co
R2-Labour Court

O R D E R

This writ petition was originally filed by the wife of the deceased contract labourer, who served in the Mettur Thermal Power Station, challenging the order dated 26.03.2003 passed in C.P.No.551/2000. During the pendency of the writ petition, the wife of the deceased contract labourer also died and the legal heirs of the original writ petitioner were impleaded.

2. The petitioner states that the deceased employee Shri Rathinavel was employed as a Contract Labourer in Electrical maintenance section in the first respondent power station for nine years. Admittedly, the deceased contract employer died on 12.07.1999.

3. The learned counsel for the first respondent states that the contract labourer died on 12.07.1999 and pursuant to the abolition of the contract labour, the first respondent prepared a list of eligible persons for grant of permanent absorption. Steps were taken to provide permanent appointment to all these contract labourers. The name of the deceased contract labourer was also included in the list of eligible persons. However, the contract labourer, who is none other than the husband of the original writ petitioner, died before issuing an order of confirmation. At the time of issuing the order of permanent absorption in respect of other contract labourers, the husband of the original writ petitioner was not alive. No such confirmation order and permanent absorption was issued in favour of the deceased contract labourer. Such an order of confirmation was issued in November 1999 and the contract labourer died in July 1999. Thus, at no point of time, the services of the contract labourer was made permanent. Under these circumstances, the Labour Court, Salem also considered these aspects and rejected the claim petition filed by the writ petitioner in C.P.No.551 of 2000.

4. From a perusal of the findings of the Labour Court, it is clear that the deceased contract labourer died in July 1999 and the order of permanent absorption in respect of his colleagues were issued in November 1999 and therefore, the benefit of permanent absorption was not extended to the deceased husband of the original writ petitioner.

5. Under these circumstances, this Court do not find any perversity or infirmity in respect of the order passed by the Labour Court. Consequently, the order dated 26.03.2003 passed in C.P.No.551 of 2000 is confirmed and the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssb

To

1.The Chief Engineer,
Mattur Thermal Power Station,
Tamil Nadu Electricity Board,
Mettur Dam,
Salem District.

2.The Presiding Officer,
Labour Court, Salem.

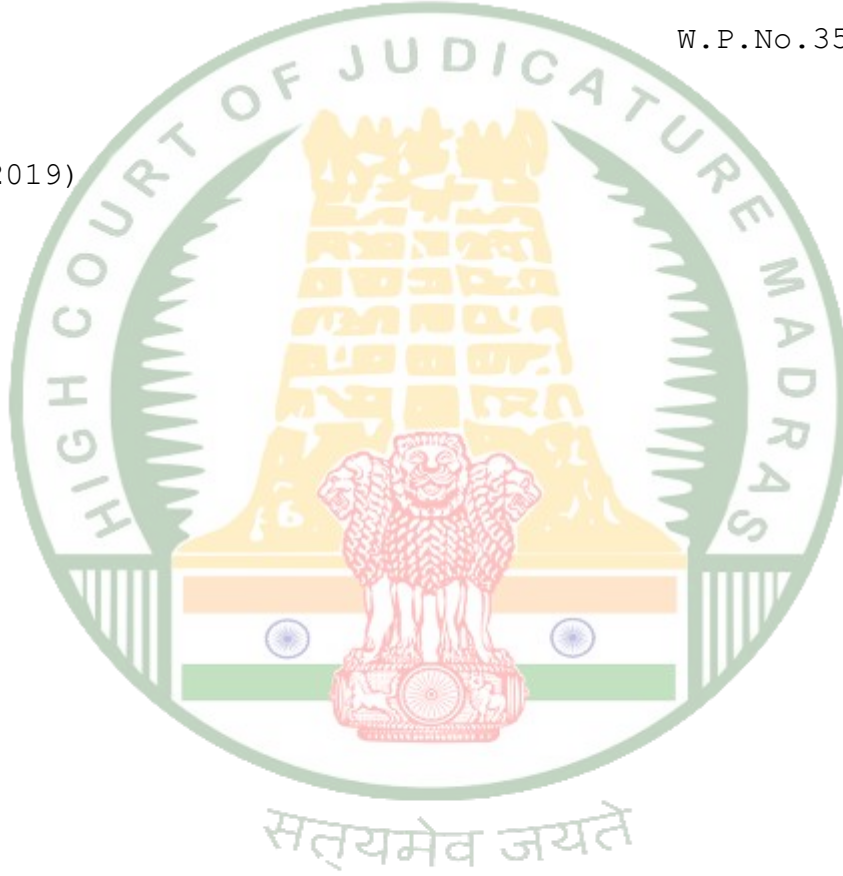
+1cc to Mr.V.Ajay Khose, Advocate SR.84311

+1cc to M/S.T.S.Gopalan & Co, Advocate SR.84247

W.P.No.35250 of 2003

(CO)

CB(08/11/2019)



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