

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM

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

W.P.No.35849 of 2003

& W.P.M.P.No. 11526 of 2006

The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Vengikkal

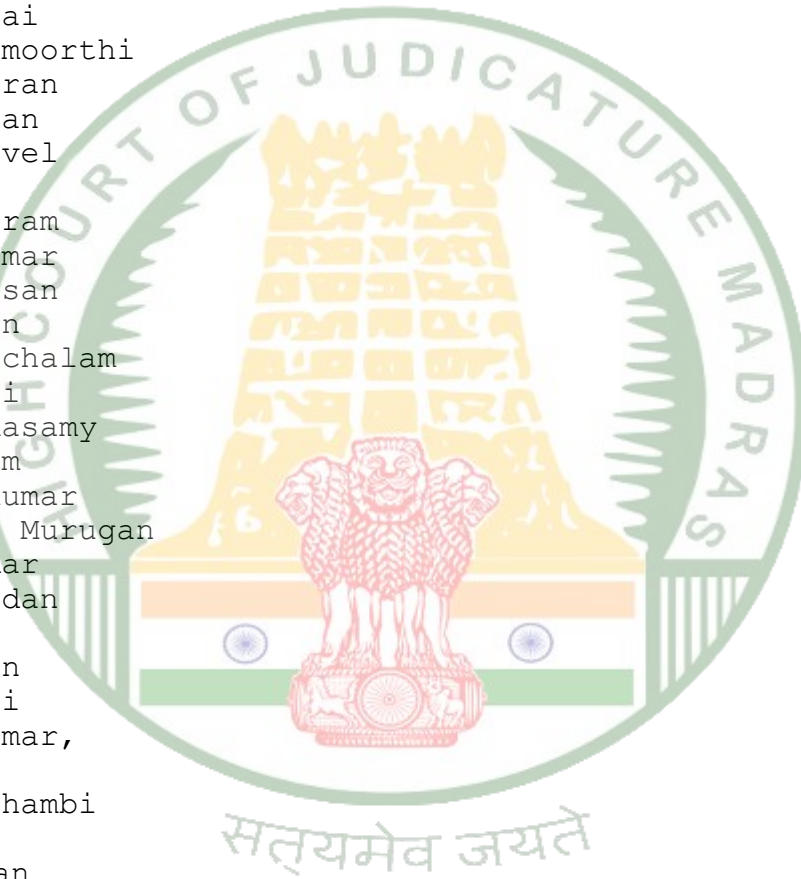
Tiruvannamalai-606 604

....Petitioner

--Vs--

1. The Government of Tamil Nadu
rep. by its Secretary to Government,
Energy Department, Chennai-9.
2. The Government of Tamil Nadu
rep. by its Secretary to labour and Employment Department,
Chennai -9.
3. The Inspector of Labour
Tiruvannamalai.
4. V.Sekar
5. B.Dhamodaran
6. S.Udhayakumar
- 7.K.Ganapathi
8. P.Kamaraj
9. K.Karunanithy
- 10.R.Krishnamoorthy
11. P.Venkatesan
- 12.K.Palani
13. R. Devendiran
- 14.R.Kumar
15. G. Rayar
16. G. Gnanajothi
17. K.Selvam
18. P.Sudhakar
19. R.Kuppusamy
- 20.A.Durai
21. K.Murugadoss
22. K.Rajendran
23. R.Gunasekaran
24. A.Elayyan
25. K.Arumugam
26. A.Mani

27. M.Pachaiyappan
28. K.Suresh
29. M.Vinoth
30. M.Suresh
31. S.Jagannathan
32. K.Tholkappiyan
33. R.Pachaiyappan
34. R.Subramani
35. R.Venkatesan
36. A.Thirunavukkarasu
37. G.Selvaraj
38. G.Perumal
39. P.Elumalai
40. A.Sathyamoorthi
41. S.Manoharan
42. E.Baskaran
43. S.Sakthivel
44. A.Sankar
45. S.Ekambaram
46. C.Sivakumar
47. A.Venkatesan
48. D.Anandhan
49. E.Venkatachalam
50. C.Elumalai
51. K.Govindasamy
52. A.Arumugam
53. S.Vijayakumar
54. K.Senthil Murugan
55. S.Sivakumar
56. V.Manikandan
57. G.Sankar
58. V.Kirshnan
59. K.Elumalai
60. R.Selvakumar,
61. R.Murugan
62. V.Arumaithambi
63. C.Sekar
64. G.Kannan
65. K.Sakthi
66. P.Gunasekaran
67. S.Murugan
68. V.Ravi
69. A.Venkatesan
70. M.Ramanarayanan
71. P.Dharmalingam
72. V.Sivakumar
73. I.Ramamoorthy
74. G.Manohar
75. N.Selvaraj
76. T.Vijaykumar



WEB COPY

77.B.Ponnumudi
78.A.Raja
79.V.Shanmugam
80.R.Rajaram

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari, calling for the records of the third respondent relating to his award dated 30.06.2003 and made in Na.Ka.1234/2003 and quash the same.

For Petitioner : Mr.Anandgopalan for M/S.I.S.Gopalan & Co.
Respondents : Mr.R.Janaki AGP for R1 to R3
Mr.N.Suresh for R16
No appearance for Respondents 4 to 15
& 17 to 80

O R D E R

The respective counsels appearing on behalf of the writ petitioner as well as the respondents, jointly made a submission that the issues raised in the present writ petition had already been decided by the Hon'ble Division Bench in Writ Appeal No.1302 of 2003 dated 24.10.2008 (The Superintending Engineer and Another V. The Inspector of Labour and Another), the relevant portion of which reads as follows :

25. We therefore, direct that persons who ought to have been taken in employment against vacancies that were directed to be filled by the Supreme Court pursuant to Khalid Commission's report shall first be filled up before other vacancies are undertaken to be filled up. The writ petitions challenging the 18 (1) settlement will stand dismissed, except to the extent mentioned in paras 23 and 24 above. Age relaxation, wherever necessary to accommodate them shall be given. Similarly, the writ petitions challenging the board proceedings 36 and 37 of the Administrative Branch dated 29.10.2005 will also stand dismissed. The claims of persons before the Labour Inspectors which have been allowed and who have come before this court seeking for issue a mandamus for enforcement will now be considered under the 18 (1) settlement. The writ petitions filed by the Electricity Board challenging the orders of the Labour Inspectors will now be dismissed as

infructuous having regard to the 18 (1) settlement. The appeals filed by the board against the decision of the learned single will also stand dismissed. The claims of the workmen in W.P.No. 1033 of 2006 and the connected batch will not stand affected by the decision of this court and the Labour Court will decide on their claims in I.D.No. 106 of 2003 in the light of what we have observed, in so far as they are relevant and independently of the same on factual issues whether they have been directly employed by the Electricity Board or not. The Writ Petitions and Writ Appeals are disposed of accordingly. No Costs.

2. Subsequently, this Court also passed an order in W.P.No.358 of 2018, on 24.04.2018. In view of the judgment of the Hon'ble Division Bench as well as the orders passed on 24.04.2018, the petitioner is directed to extend the benefit of the judgment of the Hon'ble Division Bench by considering the cases of the respondents and by verification of the records.

3. It is made clear that the order passed by the Inspector of Labour granting permanent status cannot be insisted upon. It is needless to state that if any settlement under Section 18(1) of the Industrial Disputes Act is in force, the same shall also be taken note of by the writ petitioner.

4. Accordingly, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ska

To

1. The Government of Tamil Nadu
rep. by its Secretary to Government,
Energy Department, Chennai-9.
2. The Government of Tamil Nadu
rep. by its Secretary to labour and Employment Department,
Chennai -9.
3. The Inspector of Labour
Tiruvannamalai.

+1cc to the Government Pleader Sr.7610
+1cc to Mr.N.Suresh, Advocate Sr.8225
+1cc to M/s.T.S.Gopalan & co Sr.7093

W.P.No.35849 of 2003

rv[co]
srg 7/3/2019



WEB COPY