

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 7679 of 2007
and
M.P.No. 1 of 2007

The Superintending Engineer,
Tamilnadu Electricity Board,
Gobi Electricity Distribution Circle,
Gobichettipalayam.

..Petitioner

vs

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Energy Department,
Chennai 600 009.
2. The Government of Tamil nadu
Rep. by its Secretary To Government,
Labour and Employment Department,
Chennai 600 009
3. The Inspector of Labour
Erode.
4. Thiru.R.Chandran
5. Thiru.m.Rajamani
6. Thiru.K.Murugan
7. Thiru.R.Sundaran
8. Thiru.K.Rathinam
9. Thiru.K.Arumugam
10. Thiru.A.Subramanian
11. Thiru.S.Pachiappan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,

calling for the records of the third respondent relation to his proceeding dated 31.01.2006, passed in Na.Ka.6358/2004 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr. Anand
for Mr.T.S.Gopalan
For Respondents : Mrs.K.Bhuvaneshwari, AGP
1 to 3

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorari, calling for the records of the third respondent in relation to the proceedings dated 31.01.2006, passed in Na.Ka.6358/ 2004 and quash the same.

2. The learned counsel appearing for the petitioner would submit that this matter relates to the conferment of permanent status to the respondents 4 to 11 as workers in Tamil Nadu Electricity Board, Gobi Electricity Distribution Circle, Gobi.

3. The case of the respondents 4 to 11 who were the applicants before the Inspector of Labour, Erode was that they were working as contract Labourers under the control of the Superintending Engineer/Gobi, Tamilnadu Electricity Board and were attending to the work of loading and unloading of materials. They filed the claim petition under the Tamil Nadu Industrial Establishments Act, 1891. The 3rd respondent after adjudication granted permanent status after similar issue which was challenged before the Division Bench of this Court.

4. This court in the case of WA.Nos.1302 of 2003... etc. batch cases dated 24.10.2008 has held thus:

"25.We therefore, direct that persons who ought to have been taken in employment against the 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 issuing 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....."

5. In view of the above decision of the Division Bench of this Court, nothing survives in the present writ petition and no further adjudication is required. In the light of the above Judgment, the petitioner is bound to grant permanent status to the respective workers in terms of 18 (1) settlement. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

kmm

To

1. The Secretary to Government
The Government of Tamil Nadu
Energy Department,
Chennai 600 009.
2. The Secretary To Government,
The Government of Tamil nadu
Labour and Employment Department,
Chennai 600 009
3. The Inspector of Labour
Erode.

+1cc to M/s.T.S.Gopalan and Co, Advocate SR.No.50446

+1cc to Government Pleader SR.No.50624

W.P.No. 7679 of 2007

RSI (CO)
GMY (14/08/2019)