

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21122 of 2011
and
M.P.No.2 of 2011

The Superintending Engineer
Vellore Electricity Distribution Circle
Tamil Nadu Electricity Board,
Gandhi Nagar, Vellore-6.Petitioner

vs.

1. The Presiding Officer,
Principal Labour Court,
Vellore.

2.M. Prakash 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 in Common Award passed by 1st respondent herein in C.P.No.301 of 2004 dated 25.06.2009 on the file of the 1st respondent and quash the same.

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

For Respondents : R1-Labour Court
No-appearance for R2.

O R D E R

The award dated 25.06.2009 passed in C.P.No.301 of 2004 is under challenge in the present writ petition.

2. The writ petitioner /Tamil Nadu Electricity Board filed the writ petition challenging the award passed by the first respondent in order dated 25.06.2009.

3. The learned counsel for the writ petitioner made a submission that the Computation Petition was filed by the workman based on the order passed by the Inspector of Labour. However, the orders passed by the Inspector of Labour granting conferment had not been merged with the order of the Hon'ble Division Bench of this Court in W.A.No.1404 of 2005 dated 24.10.2008. After the Judgment of the Hon'ble Division Bench

of this Court, the Board entered into a 12(3) settlement and subsequently, Board proceedings No.9 dated 09.01.2008 was also issued. Thereafter, all eligible workmen who are all falling within the eligibility criteria fixed in the 12(3) settlement and Board proceedings No.9, were considered for permanent absorption and they were absorbed accordingly.

4. In view of the fact that the orders passed by the Inspector of Labour were considered by the Hon'ble Division Bench of this Court and the claim petitions filed pursuant to the order passed by the Inspector of Labour cannot be implemented, on account of the orders of the Division Bench of this Court, the present writ petition is to be considered. Accordingly, the award dated 25.06.2009 passed in C.P.No.301 of 2004 is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Principal Labour Court,
Vellore.

+1cc to Mr.T.S.Gopalan, Advocate, S.R.No. 95316

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RR(CO)
GN(30/12/2019)

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