

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19121 of 2010

1. R. Padmanaban
2. K. Natarajan
3. R. Perumal
4. M. Vadivel
5. D. Bhupathi
6. K. Venkatachalam
7. N. Subramani
8. K.P. Karthikeyan
9. V. Srinivasan
10. P. Senthil Kumar

...Petitioners

Vs

- 1.The Chairman
Tamil Nadu Electricity Board
No.800, Anna Salai
Chennai-600 002.
- 2.The Superintending Engineer
Namakkal Electricity Distribution Circle
Tamil Nadu Electricity Board
Namakkal
Namakkal District-637 001.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to appoint the petitioners as Mazdoor Grade-II Trainees in the respondents board and regularize them with all benefits.

For Petitioners : Mr.C. Samivel

For Respondents : Mr. Haroon AL. Rasheed
for TNEB

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to appoint the petitioners as Mazdoor Grade-II Trainees in the respondent Board and regularize them with all benefits.

2. In short, in the writ petition, the issue focussed is the order passed by the Inspector of Labour, Vellore, dated 26.09.2017, directing the Superintending Engineer/TANGEDCO, Vellore District to absorb the labourers as permanent employees in terms of Section 3(1) of the Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, as they have completed 480 days of service in the Board.

3. This writ petition is filed by the petitioners/workmen seeking to implement the aforesaid order dated 26.09.2017 passed by the Inspector of Labour, W.P.No.29541 of 2018 and W.P.No.193 of 2018 were earlier filed challenging the very same order raising a ground that the Inspector of Labour ought not to have countenanced the claim of contesting respondents/labourers, since the Vellore Electricity Distribution Circle would not fall under the scope of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act.

4. Mr. Haroon AL Raseed, learned counsel appearing for the respondents 1&2 (TNEB) has produced the order copy passed in W.P.Nos.13172 to 13176 of 2012 etc., batch, dated 29.06.2018, wherein, in similar circumstances this Court held that since the respondents/TNEB are not having any objection for considering the case of the writ petitioners/Workmen in the light of the terms and conditions as stipulated in B.P.No.9 dated 09.01.2008, the writ petitioners/workmen were permitted to submit fresh representations to the respondents/TNEB with necessary documents, establishing their engagement as contract labourers and this Court further directed the respondents/TNEB to consider the same, in the light of the Board proceedings issued dated 09.01.2008. This Court further pointed out that 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 writ petitioners/workmen in the light of B.P.No.9 dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to.

5. The learned counsel appearing for the writ petitioners submitted that the order passed in W.P.No.13172 of 2012 etc. batch, was followed in W.P.No.29541 of 2018 and W.P.No.193 of

2018 wherein liberty was granted to the petitioner/workman to raise all the claim before the Authority concerned as per the Board proceedings in B.P.No.9 dated 09.01.2008 by making fresh representation. Further, the learned counsel for the petitioners submitted that the petitioners had already approached the Inspector of Labour, Vellore, and the claim petition is pending for consideration. Therefore, they requested this Court to give direction to the appropriate Authority to consider the claim in the specified item.

6. In view of the submissions made by both parties, in the light of the orders passed by this Court in W.P.No.13172 of 2012 etc. batch dated 29.06.2018 this Court is inclined to pass the following order in the present writ petition:-

"The Writ Petitioners are permitted to submit a fresh representation to the respondents, within a period of three weeks from the date of receipt of a copy of this order, along with necessary documents establishing their engagement as contract labourers. In the event of receiving any such representation from the workmen, the Management/TANGEDCO, is directed to consider the same, in the light of the Board proceedings in B.P.No.9 dated 09.01.2008, and pass orders on merits and in accordance with law, as early as possible, preferably within twelve weeks thereof. Further, in view of the submissions made by the learned counsel appearing for both sides, 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 petitioners in the light of the Board proceedings dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to."

7. With the above directions, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msm

To

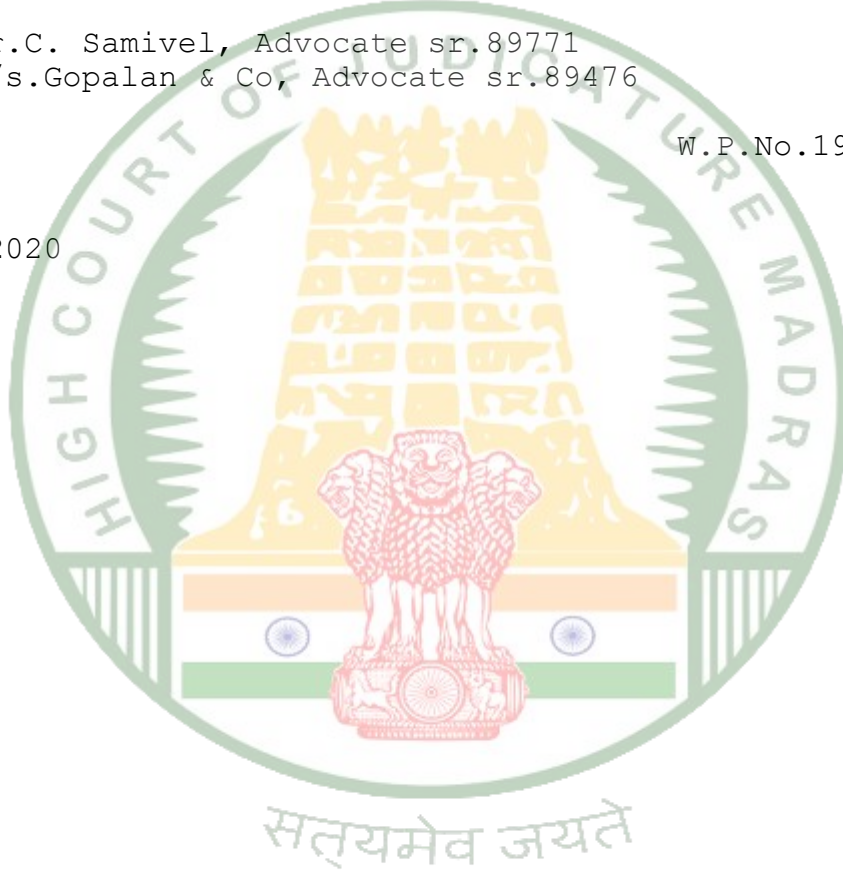
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Namakkal, Namakkal District-637 001.

+1cc to Mr.C. Samivel, Advocate sr.89771
+1cc to M/s.Gopalan & Co, Advocate sr.89476

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pm(co)
nr 13/02/2020



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