

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2019

CORAM

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

W.P.No.20503 of 2012

Employees and Tamil Nadu Min Varia
Uzhaipalargal Sangam(Regn.No.1200/TRI),
Rep.by its Dharmapuri Circle Secretary,
Vairam Plaza, Siruthaiyur, Lalgudi,
Trichi District-621 601.

...Petitioner

Vs

1. Tamil Nadu Electricity Generation and Distribution
Corporation,
Formerly known as Tamil Nadu Electricity Board,
Rep.by its Chairman, 800, Anna Salai, Chennai-600 002.

2. The Chief Engineer(Personnel),
Tamil Nadu Electricity Generation and Distribution
Corporation,
Formerly known as Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.

3. The Superintending Engineer,
Dharmapuri Distribution Circle,
Tamil Nadu Electricity Generation and Distribution
Corporation,
Formerly known as Tamil Nadu Electricity Board, Dharmapuri.

4. The Inspector of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of permanent Status to Workmen)Act, 1981,
Labour Department, Krishnagiri. ... Respondents

PRAYER :Writ Petition filed Under Article 226 of the
Constitution of India to issue a Writ of Mandamus, to direct the
respondents 1 to 3 to implement the order of the 4th respondent
dated 22.10.2010 in permanent status case No.A/444/2010, grant
all monetary benefits in terms of the said order of the 4th
respondent to all the workers concerned in the case whose names
are mentioned in the order filed in the typed set of papers,
with all consequential and attendant benefits, award costs.

For Petitioner : C.S.Monicka

For Respondents: Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co
for RR1 to 3.
Mr.M.Elumalai
Government Advocate for R4.

O R D E R

This writ petition is filed challenging the award passed by the Inspector of Labours denying permanent status to the workmen in the Tamil nadu Electricity Board.

2.The learned counsel appearing on behalf of the workmen made a submission that the Board, after 12(3) settlement dated 10.08.2007, issued orders in B.P.(Chairman)No.9, Administrative Branch, date 09.01.2008, granting permanent absorption for contract labourers, who all are not covered by 12(3) Settlement. Certain conditions are stipulated in the Board proceedings dated 09.01.2008 for granting permanent absorption.

3.The learned counsel appearing on behalf of the management made a submission that the Management is not having any objection for considering the case of the workmen in the light of the terms and conditions as stipulated in B.P. No.9, dated 09.01.2008. In view of the said submissions, the learned counsel appearing for the workmen also agreed and filed their memo stating that the case of the workmen may be considered by the management in terms of B.P.No.9 dated 09.01.2008.

4.In this view of the matter, the workmen are permitted to submit fresh representations to the management, within a period of three(3) weeks from the date of receipt of a copy of this order, along with all necessary documents establishing their engagement as contract labourer. In the event of receiving any such representation from the workmen, the management is directed to consider the same, in the light of the Board proceedings issued dated 09.01.2008 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.In view of the submissions made by the learned counsel appearing on behalf of the workmen, 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 workmen in the light of the B.P.No.9 dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to.

6. Accordingly, these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. However, there is no order as to costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Generation and Distribution
Corporation, Formerly known as Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.
2. The Chief Engineer(Personnel),
Tamil Nadu Electricity Generation and Distribution
Corporation, Formerly known as Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.
3. The Superintending Engineer,
Dharmapuri Distribution Circle,
Tamil Nadu Electricity Generation and Distribution
Corporation, Formerly known as Tamil Nadu Electricity Board,
Dharmapuri.
4. The Inspector of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of permanent Status to Workmen) Act, 1981,
Labour Department, Krishnagiri.

+1cc to M/s.T.S.Gopalan & Co, Advocate sr.78320

+1cc to Government Pleader SR.NO. 79387

W.P.No.20503 of 2012

mr(co)
nr 11/11/2019

WEB COPY