

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

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

W.P.Nos.2108 to 2112 of 2013

W.P.No.2108 of 2013

1.N.Kamalakanna

2.E.Damodharan ...Petitioner

..Vs..

1.The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
now TANGEDCO,
Tiruvannamalai - 637 001.

2.The Inspector of Labour,
Tiruvannamalai.

...Respondents

W.P.No.2109 of 2013

1.P.Muthu

2.S.Pushpanathan

3.N.Aasai Thambi

4.R.Raja

..Vs..

...Petitioners

1.The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
now TANGEDCO,
Tiruvannamalai - 637 001.

2.The Inspector of Labour,
Tiruvannamalai.

...Respondents

W.P.No.2110 of 2013

1.M.Murugan

2.G.Ranganathan

...Petitioners

..Vs..

1.The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
now TANGEDCO,
Tiruvannamalai - 637 001.

2.The Inspector of Labour,
Tiruvannamalai.

...Respondents

W.P.No.2111 of 2013

1.S.Ashok Kumar

2.A.Raji

...Petitioners

..Vs..

1.The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
now TANGEDCO,
Tiruvannamalai - 637 001.

2.The Inspector of Labour,
Tiruvannamalai.

...Respondents

W.P.No.2112 of 2013

1.S.Thirunavukarasan
2.R.Sakthivel
3.S.Viswanathan
4.C.Saravanan
5.K.Subramani
6.P.Chandrasekaran
7.N.Ramesh
8.R.Sathish
9.K.Subramaniam
10.P.Ramani

...Petitioners

..Vs..

1.The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamil Nadu Electricity Board,
now TANGEDCO,
Namakkal - 637 001.

2.The Inspector of Labour,
Namakkal

...Respondents

COMMON PRAYER: Petition filed Under Article 226 of the
<https://hcservices.ecourts.gov.in/hcservices/>
Constitution of India to issue a Writ of Mandamus, directing

the first respondent in all the writ petitions to pass appropriate orders conferring permanent status in the services of the Board in the appropriate positions befitting the nature of employment performed by the petitioners as ordered by the second respondent, 3rd, 2nd, 2nd respectively in all the writ petitions in their proceedings made in Na.Ka.Nos.65/2011, dated 08.06.2011 E/5377/2003 dated 30.08.2004, E1/3139/2009 dated 16.04.2010, E/931/2001 dated 30.12.2002, 993/2008 dated 23.10.2009 respectively with all attendant benefits.

For Petitioners: Mr.Y.Ramanaiah
(in all 5 WPs)

For Respondents: Mr.Anand Gopalan
For M/s.T.S.Gopalan & Co. (for R.1)
Mr.D.Suriya Narayana, AGP (for R.2)
(in all 5 WPs)

COMMON ORDER

These writ petitions are filed challenging the award passed by the Inspectors of Labour granting permanent status to the workmen by the Tamilnadu 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 writ petitioner/ management made a submission that the petitioners are 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 writ petitioners management in terms of the 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 writ petitioners 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 writ petitioner 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. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mrn

To

1.The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
now TANGEDCO,
Tiruvannamalai - 637 001.

2.The Inspector of Labour,
Tiruvannamalai.

3.The Inspector of Labour, Nammakkal.

+5cc to Mr.S.Elamurugan, Advocate, S.R.No. 89232, 89233,
89234, 89235, 89230

+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 88537

+1cc to the Government Pleader, S.R.No. 89199

W.P.Nos.2108 to 2112 of 2013

VG II(CO)
GN(29/11/2019)