

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.18765 of 2016

and

W.M.P.No.16378 of 2016

- 1.The Chief Engineer,
Mettur Thermal Power Station-I,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Mettur Dam.
- 2.The Superintending Engineer (Operations),
Mettur Thermal Power Station,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Mettur Dam.

Petitioners

-vs-

- 1.The Joint Director,
Industrial Safety and Health Authority
under the Tamil Nadu Industrial
(Establishment Conferment of Permanent
Status to Workmen) Act, 1981,
Salem.
- 2.Balakrishnan,
S/o.Lakshmanan.
- 3.M.Manikandan
- 4.P.Karthikeyan
- 5.G.Pongurusamy
- 6.R.Parthipan
- 7.P.Sathishkumar
- 8.P.Sugumar
- 9.R.Rameshkumar
- 10.C.Lakshmanan
- 11.M.Anbalagan
- 12.K.Thangaraj
- 13.P.Mohanraj
- 14.N.Sathishkumar
- 15.R.Karthikeyan
- 16.M.Palaniammal
- 17.A.Gunaseelan
- 18.S.Sathiskumar
- 19.S.Ramasamy
- 20.R.Manickam

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21.P.Kuppammal
22.S.Viswanathan
23.N.Gobi

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the first respondent in proceedings No.A/4600/2011 and quash the order dated 17.11.2015.

For Petitioners : Mr.Anand Gopalan
For M/s.T.S.Gopalan & Co.
For Respondent-1 : Mr.J.Ramesh,
Additional Govt. Pleader
For RR 2 to 23 : Mr.V.Elangovan

ORDER

This writ petition is filed challenging the award dated 17.11.2015, passed by the 1st respondent granting permanent status to the workmen by 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, dated 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 petitioners 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 submission, the learned counsel appearing for the workmen also agreed and filed a memo, stating that the case of the workmen may be considered by the writ petitioners 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 representation to the writ petitioners 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 labourers. In the event of receiving any such representation from the workmen, the writ petitioners are 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

1st respondent, 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 (*) **Joint Director/first respondent** need not be given effect to.

6. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(J)

(*) **Correction carried out as per the order of this Court dated 20/11/2019 and made in WP.No.18765 of 2016 and WMP.No.16378 of 2016)**

Sd/-

Assistant Registrar(C.S. -VI)

//True copy//

Sub Assistant Registrar

abr

To

To be substituted for the order already despatched on 19/11/2019.

- 1.The Joint Director,
Industrial Safety and Health Authority
under the Tamil Nadu Industrial
(Establishment Conferment of Permanent
Status to Workmen) Act, 1981, Salem.
- 2.The Chief Engineer, Mettur Thermal Power Station-I,
Tamil Nadu Electricity Generation
and Distribution Corporation, Mettur Dam.
- 3.The Superintending Engineer (Operations),
Mettur Thermal Power Station,
Tamil Nadu Electricity Generation and
Distribution Corporation, Mettur Dam.

+1cc to M/s.T.S.Gopalan & Co., Advocate SR.No.97608
+1cc to Mr.S.Doraisamy, Advocate SR.No.97327
+1cc to Government Pleader SR.No.88235

W.P.No.18765 of 2016

GMV(08/11/2019)

AKM/28.11.19 /3P-7C/