

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

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

W.P.Nos.6595 to 6601 & 6603 of 2015
and

M.P.No.1 of 2015(8 Mps) and M.P.No.2 of 2015(3Mps)

- 1.THE SUPERINTENDING ENGINEER,
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE,
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED,
DHARMAPURI - 5.
- 2.THE CHIEF ENGINEER(PERSONNEL)
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED,
800, ANNA SALAI,
CHENNAI - 600 002. ...PETITIONERS IN W.P.6595/2015
- 1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELEECTRICITY BOARD DHARMAPURI-5.
- 2 THE CHIEF ENGINEER(PERSONNEL)
TAMIL NADU ELECTRICITY BOARD 800 ANNA
SALAI CHENNAI-2. ...PETITIONERS IN WP NO.6596 OF 2015
- 1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELEECTRICITY BOARD DHARMAPURI-5.
... PETITIONER IN WP NO.6597 OF 2015
- 1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELEECTRICITY BOARD DHARMAPURI-5.
... PETITIONER IN WP NO.6598 OF 2015
- 1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELEECTRICITY BOARD DHARMAPURI-5.
... PETITIONER IN WP NO.6599 OF 2015

1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELECTRICITY BOARD DHARMAPURI-5.
... PETITIONER IN WP NO.6600 OF 2015

1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELECTRICITY BOARD DHARMAPURI-5.
... PETITIONER IN WP NO.6601 OF 2015

1 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TAMIL NADU ELECTRICITY BOARD DHARMAPURI-5.

2 THE CHIEF ENGINEER (PERSONNEL)
TAMIL NADU ELECTRICITY BOARD 800 ANNA
SALAI CHENNAI ... PETITIONERS IN WP NO.6603 OF 2015

Vs.

1 THE INSPECTOR OF LABOUR
KRISHNAGIRI

2 M.KRISHNAN

3 R.RANJITHKUMAR

4 M.KANNAPIRAM

5 K.TAMIL VENDHAN

6 M.VENKATESAN

7 T.THARANI

8 I.AROKIYADHAS

9 J.NAVAKOTTESWARAN

10 S.SATHESH KUMAR

11 P.DHURAI SAMY

12 S.SANGEETHKUMAR

13 J.SILAMBARASAN

14 S.AROKIYASAMY

15 M.MUNIYAPPAN

16 T.MUNIRAJ

17 P.MATHISELVAM

18 C.MADHAIYAN

19 C.MURUGESAN

20 T.SUBRAMANI

21 C.MURUGAN

22 K.KRISHNAN

23 D.RAJEDRAN

24 P.M.MADHAIYAN

25 M.SADHAASIVAM

26 R.MUNIRAJ

27 C.RAVI

28 C.MUNUSAMY

29 D.EASWARAN

30 M.CHINNAPPAN

31 M.MUNIRAJ

32 C.MADHAPPAN

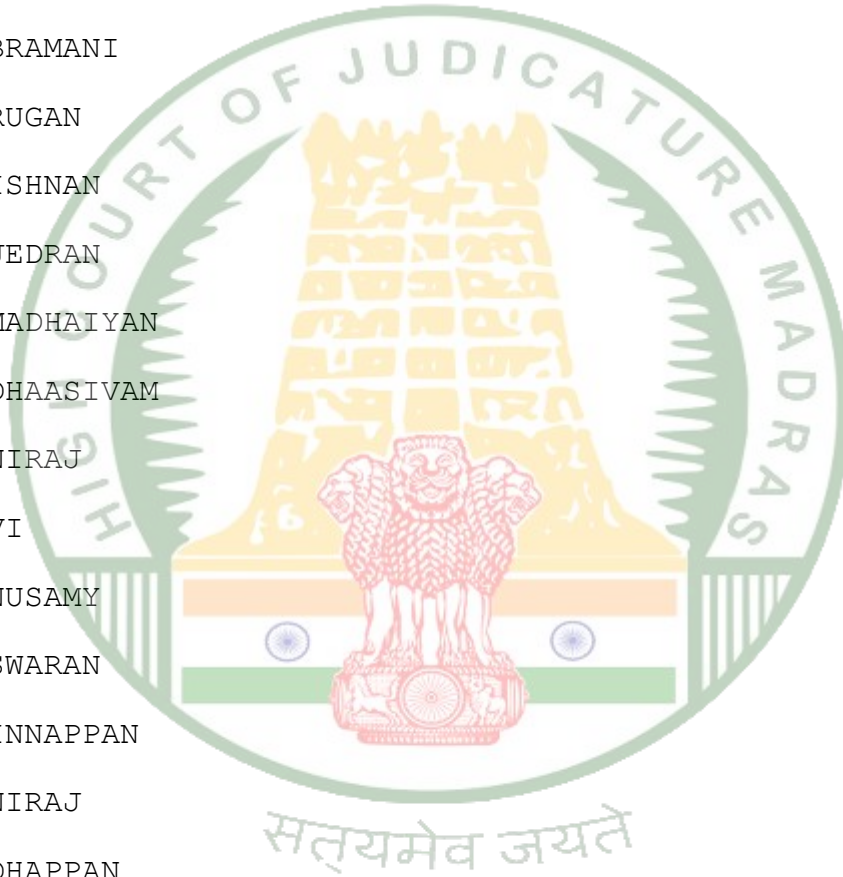
33 C.MANI

34 T.SOMASUNDARAM

35 M.SANKAR

36 C.GOPI

37 P.VADIVEL



WEB COPY

38 S.GOPI
39 T.DHAYALAN
40 V.SAMRAJ
41 S.SHANMUGASUNDARAM ... RESPONDENT IN WP NO.6595 OF 2015

1 THE INSPECTOR OF LABOUR
KRISHNAGIRI

2 S.GOKUL DASS

3 A.RAJAPPA

4 M.BASKAR

5 K.NAGARAJ

6 A.SRINIVASAN

7 M.GANESAN

8 P.MADEVAPPA

9 P.CHELAPPA

10 P.ASVANTHAN

11 M.BAIRAPPA

12 M.CHANDRA REDDY

13 M.VARATHAPPA

14 NARASIMMATCHI

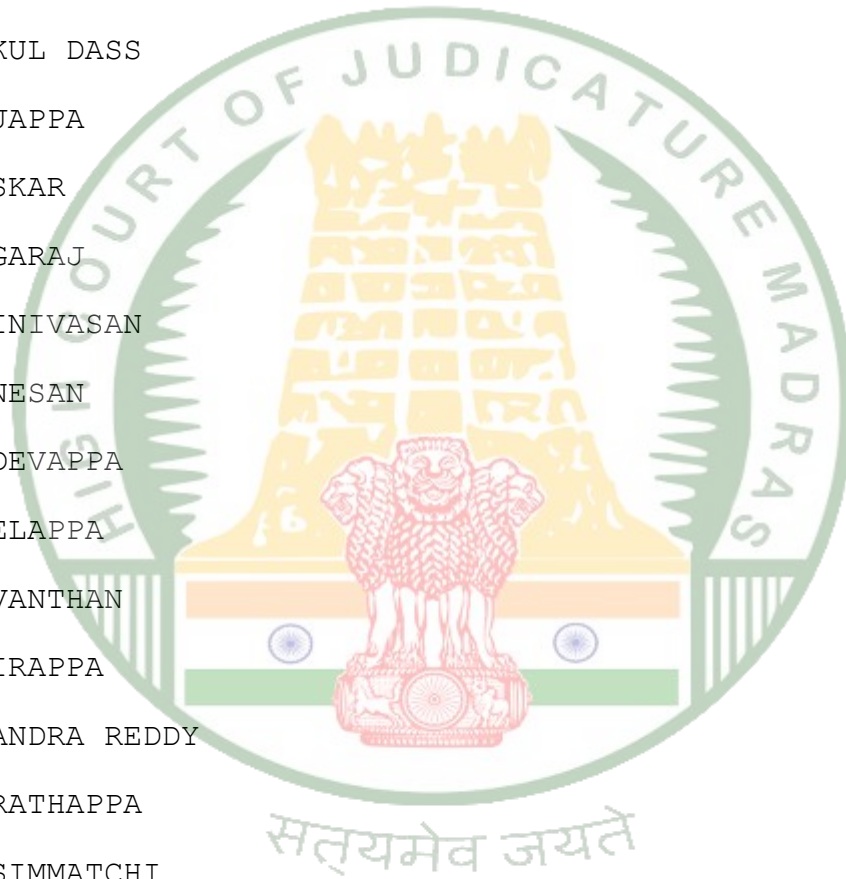
15 P.NARAYANAPPA

16 P.M.PALANI

17 C.GANESAN

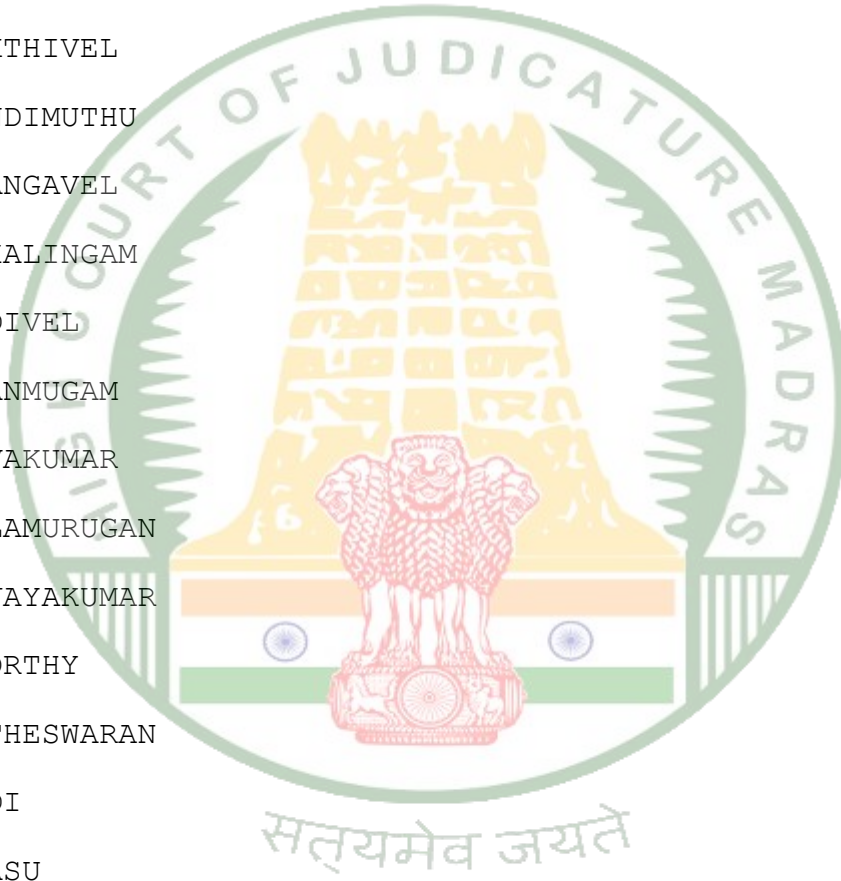
18 P.MANI

19 C.PERUMAL



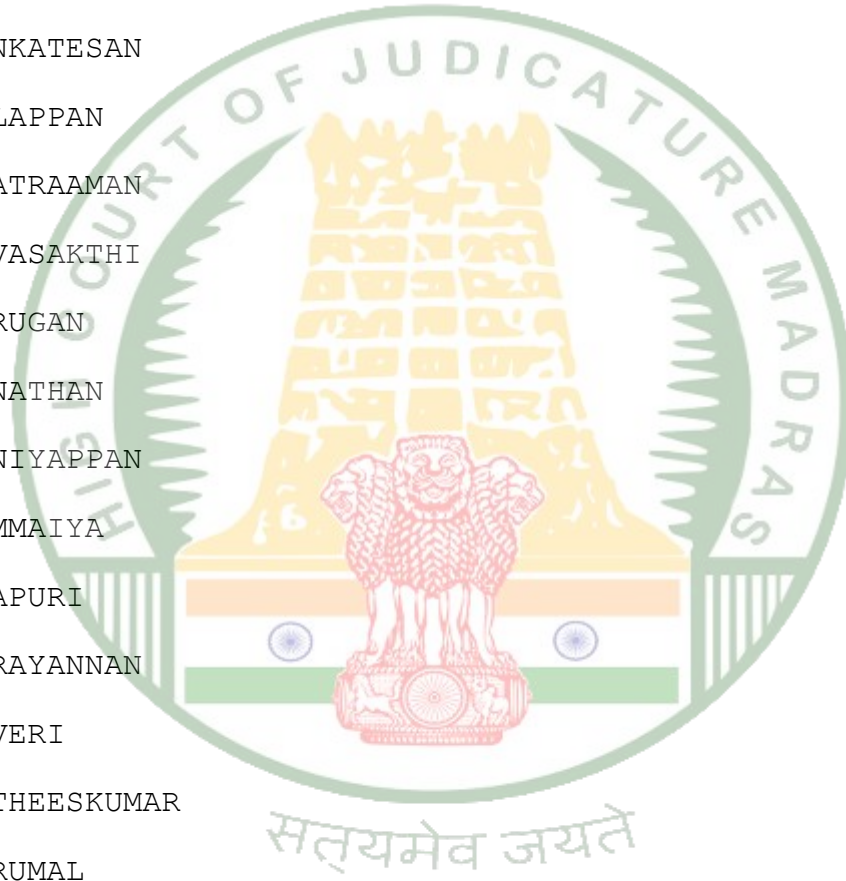
WEB COPY

20 A.MURALI
21 C.PANNERSELVAM
22 S.NEELKANDAN
23 A.RAJA
24 R.RAJASEKAR
25 K.CHOLARAJAN
26 M.SAKTHIVEL
27 S.AANDIMUTHU
28 S.THANGAVEL
29 P.MAHALINGAM
30 M.VADIVEL
31 R.SHANMUGAM
32 C.SIVAKUMAR
33 C.BALAMURUGAN
34 A.VIJAYAKUMAR
35 M.MOORTHY
36 C.MATHESWARAN
37 G.VEDI
38 K.ARASU
39 P.MURUGAN
40 C.CHINNASAMY
41 PRAKASAM
42 P.GOVINDASAMY
43 G.KAVERI



WEB COPY

44 C.KARTHICK
45 G.RAMALINGAM
46 M.VETRAYAN
47 V.ELANGO VAN
48 R.GOVINDAN
49 R.GANESAN
50 N.VENKATESAN
51 A.ELLAPPAN
52 VENKATRAAMAN
53 M.SIVASAKTHI
54 K.MURUGAN
55 SAMYNATHAN
56 C.MUNIYAPPAN
57 P.BOMMAIYA
58 VAIYAPURI
59 R.MARAYANNAN
60 M.KAVERI
61 C.SATHEESKUMAR
62 G.PERUMAL
63 KUPPUSAMY
64 SELVAM
65 K.MURUGESAN
66 KRISHNAN
67 K.SARAVANAN



WEB COPY

68 R.ANANDAN
69 K.M.KRISHNAN
70 T.BABUJI
71 P.MATHESWARAN
72 P.VIJARAJ
73 S.SEKAR
74 S.SARAVANAN
75 K.HARIRAJ
76 M.SANKAR
77 RAMAN
78 K.SIVAKUMAR
79 MUTHU
80 N.P.NARASIMMAN
81 P.SUBRAMANIAN
82 N.SAKTHI
83 V.PALANI
84 P.KRISHNAN
85 ALAGESAN
86 K.VINOTHRAJ

... RESPONDENT IN WP NO.6596 OF 2015

1 THE INSPECTOR OF LABOUR
KRISHNAGIRI

2 N.PERUMAL
CIRCLE SECRETARY TAMIL NADU ACCOUNTS AND
EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI.

- 3 M.PANNEER
S/O.MARIAPPAN CONTRACT LABOUR PANDARAVALLI
VILLAGE JINGAL KATHIRAPET POST POCHAMPALLI
TALUK
- 4 N.SENTHIL KUMAR
S/O.NATARAJAN CONTRACT LABOUR VIMANGAMURA
POST POCHAMPALLI TALUK
... RESPONDENT IN WP NO.6597 OF 2015
- 1 THE INSPECTOR OF LABOUR
KRISHNAGIRI
- 2 V.SHANMUGAM CIRCLE SECRETARY
TAMIL NADU NATIONAL ELECTRICITY WOKERS
FEDERATION /INTUC REG. NO.1544/MTS
DHARMAPURI CIRCLE BR SALEM MAIN RD
COLLECTORATE OPP DHARMAPURI DT
- 3 G.KUMERASAN
S/O.GOVINDASAMY VETTRILAIKARAIYNAOOR
VILLAGE PARUR POST POCHAMPALLI
KRISHNAGIRI DISTRICT.
- 4 D.KADER BASH
S/O.PEER BASHA PASUVAPURAM VILLAGE
KANDAGOUNDAR POST PAPPIRETTIPATTI TALUK
KRISHNAGIRI DISTRICT
- 5 B.RASAPUTTIRAN
S/O.PASUVARAJ KIDAIKARA ALLI VILLAGE
OPILINAIKANA ALLI POST PAPPIRETTIPATTI
TALUK KRISHNAGIRI DISTRICT
- 6 K.KUMAR
S/O.KADIRVEL KIDAIKARA ALLI VILLAGE
OPILINAIKANA ALLI POST PAPPIRETTIPATTI
TALUK KRISHNAGIRI DISTRICT
- 7 M.VAITHEESWARAN
S/O.MAHALINGAM KIDAIKARA ALLI VILLAGE
OPILINAIKANA ALLI POST PAPPIRETTIPATTI
TALUK KRISHNAGIRI DISTRICT
- 8 K.VENKATACHALAPATHY
S/O.GOVINDASAMY NO.1/71 VANNIYAR STREET
TALANATTHAM VILLAGE AND POST
PAPPIRETTIPATTI TALUK KRISHNAGIRI DISTRICT

- 9 K.THANGAPRAGASAM
S/O.KAVERICHETTY NO.45 MIN NAGAR
BARATHIPURAM DHARMAPURI-5.
- 10 K.GUNASEKARAN
S/O.KALIDAASM VINGANAIIKANA ALLI VILLAGE
PAPPIRETTIPATTI DISTRICT KRISHNAGIRI
DISTRICT
- 11 G.NAGAMANIKKAM
S/O.GOURAN METTUPATTI VILLAGE
SATHYANADAPURAM POST PANNAGARAM TALUK
DHARMAPURI DISTRICT.
- 12 C.KARUNAAMURTHI
S/O.CHINNASAMY KARAKOOR SEERIAMPATTI POST
PALAKODE TALUK DHARMAPURI DISTRICT.
- 13 C.PRIYASAMY
S/O.CHINNASAMY RAMACHANDIRAPURAM VILLAGE V.
MAATHEPALLI POST KRISHNAGIRI DISTRICT.
- 14 R.SARAVANASANKAR
S/O.RANGASAMY VPPALAMPATTI CHANDUR POST
POCHAMPALLI TALUK KRISHNAGIRI DISTRICT
- 15 MURUGAN
S/O.MARIAPPAN SEEMANDIYUR PULIYAMPATTI
POST POCHAMPALLI TALUK KRISHNAGIRI DISTRICT
- 16 P.SASIKUMAR
S/O.PALANI VETTRILAIKARANOR PARUR POST
POCHAMPALLI TALUK KRISHNAGIRI DISTRICT
- 17 S.SAKRAVARTHI
S/O.SUBRAMANI NO.2/877 PERIYASAMY
GOUNDAMPATTI VOWRAMPATTI POST ARUR TALUK
DHARMAPURI DISTRICT.
- 18 M.VELUSAMY
S/O.MURUGESAN NALLAPPNAIKANUR CHANDUR POST
POCHAMPALLI TALUK KRISHNAGIRI DISTRICT
- 19 C.CHENNAKESAVAN
S/O.CHINNASAMY NALLAPPANAIIKANUR CHANDUR
POST POCHAMPALLI TALUK KRISHNAGIRI DISTRICT

20 V.PARTHASARTHY
S/O.VENKATESAN NALLAPPANAikanur Chandur
POST POCHAMPALLI TALUK KRISHNAGIRI DISTRICT

21 V.GOPINATH
S/O.VENKATESAN CHINDAGAMPALLI POST PARKUR
VILLAGE KRISHNAGIRI DISTRICT

22 K.MUNIRAJ
S/O.KARUNAAN NALAPPARAMPATTI VILLAGE
ARANGAPURAM POST PENNAGARAM TALUK
DHARMAPURI DISTRICT

23 K.KARUNAKARAN
S/O.GANESAN KIDAKKARA ALLI VILLAGE
OPILINAikanpatti POST PAPPIRETTIPATTI TALUK
KRISHNAGIRI DISTRICT

24 K.SARAVANAN
S/O.KUPPURAJ KIDAKKARA ALLI VILLAGE
OPILINAikanpatti POST PAPPIRETTIPATTI TALUK
KRISHNAGIRI DISTRICT

25 K.RAMESH
S/O.KANNAN KARIMANGALATHANUR AAMPALLI POST
KRISHNAGIRI TALUK AND DISTRICT.

26 R.THIRUPATHI
S/O.RAMASAMY ANKINAikanpalli VILLAGE AND
POST PARKUR WAY KRISHNAGIRI DISTRICT

... RESPONDENT IN WP NO.6598 OF 2015

1 THE INSPECTOR OF LABOUR
KRISHNAGIRI.

2 V.SHANMUGAM
CIRCLE SECRETARY TAMILNADU NATIONAL
ELECTRICITY WORKERS FEDERATION/INTUC
DHARMAPURI CIRCLE BRANCH COLLECTORATE
OPPOSITE DHARMAPURI.

3 C.MADHAPPAN
S/O.CHINNARAJ PAYANOOR VILLAGE SIGARAPALLI
POST KRISHNAGIRI DISTRICT.

4 M.VAIRAMUTHU
S/O.MANI INDIRA NAGAR SIGARAPALLI POST
KRISHNAGIRI.

- 5 A.PONNUSAMY
S/O.ANNAMALAI MOOKALNAIKANPATTI
MITTANoolaALLI POST DHARMAPURI.
- 6 V.MADHU
S/O.VEDIYAPPAN MOOKALNAIKANPATTI
KONDANKOTTAI MITTANoolaALLI POST
DHARMAPURI.
- 7 V.VEDIAPPAN
S/O.VEDIYAPPAN AALIVAYANKOTTAI
MITTANoolaALLI POST VIA ANNASAAGARAM
DHARMAPURI.
- 8 K.MADESH
S/O.KARIYAPPAN PAGALPATTI POST VIA
NALLAMPALLI DHARMAPURI.
- 9 T.RAMASAMY
S/O.R.PERUMAL NADUMARIYAMMAN KOVIL STREET
M.G.R. NAGAR KUMARASAMPETTAI POST
DHARMAPURI.
- 10 S.RAJA
S/O.G.SUNDARAM TEYNGAAMARATHUPPATTI
VENGATTAMPATTI POST DHARMAPURI.
- 11 M.KUMARESAN
S/O.MANI INDIRA NAGAR SIGARAALLI POST
KRISHNAGIRI.
- 12 M.SRINIVASAN
S/O.MANI INDIRA NAGAR SIGARAALLI POST
KRISHNAGIRI.
- 13 K.SENTHIL
S/O.KOLUNAI INDIRA NAGAR SIGARAALLI POST
KRISHNAGIRI.
- 14 G.SAKTHIVEL
S/O.GOVINDAN 29/47 VELLAKUTTAI CHENNAI
SALAI KRISHNAGIRI.
- 15 K.DHANASEKARAN
S/O.KULANDAI INDIRA NAGAR SIGARAALLI POST
KRISHNAGIRI.

- 16 G.JAYASELAN
S/O.GANGAPPA NAIDU SIGARAPALLI VILLAGE
KRISHNAGIRI.
- 17 A.GOPI
S/O.ARIYAPPAN 8/2C VELLAKUTTAI CHENNAI
SALAI KRISHNAGIRI.
- 18 S.PERUMAL
S/O.SANMUGAM RAMACHANDIRAM VILLAGE
MAADAPPALLI POST KRISHNAGIRI
- 19 M.CHINNARAJ
S/O.MUNIYAPPAN KURUVARETTIPODU N.
TAASARAPALLI KRISHNAGIRI.
- 20 S.DILIPKUMAR
29/48 VELLAKUTTAI CHENNAI SALAI
KRISHNAGIRI.
- 21 K.PARASURAMAN
S/O.KRISHNAN RAMACHANDIRAM VILLAGE
MADEYPALLI POST KRISHNAGIRI.
- 22 S.SIVAKUMAR
S/O.SIVARAJ 24 KONTIKANAPATTI KALARPPATHY
POST SAMATHUVAPURAM KRISHNAGIRI.
- 23 K.MURUGAN
S/O.KANNAN SOOKAADU VILLAGE MORAMADUGU
POST KRISHNAGIRI.
- 24 J.KALIAPPAN
S/O.JAYABAL KUNDALAAMPATTI POST
KRISHNAGIRI.
- 25 R.DHATSHANAMOORTHY
S/O.RAMALINGAM KUNDALAAMPATTI VILLAGE AND
POST KRISHNAGIRI.
- 26 S.SIVALINGAM
S/O.SINGARAM 2/203 MURUKKUPATTI-3
PALAKODU CIRCLE DHARMAPURI DISTRICT.
- 27 G.PALANISAMY
S/O.GOVINDASAMY MURUKKUPATTI-3 PALAKODU
CIRCLE DHARMAPURI.

- 28 P.KARUPANNAN
S/O.PERIYASAMY 2/608 THONNAIYAAN KOTTAI
KRISHNAGIRI CIRCLE & DISTRICT.
- 29 S.PALANISAMY
S/O.SINGARAM 2/203 MURUKKUPATTI-3
PAALAKADU CIRCLE DHARMAPURI DISTRICT.
- 30 T.GOVINDASAMY
S/O.THANGAVEL 2/203 MURUKKUPATTI-3
PAALAKADU CIRCLE DHARMAPURI DISTRICT.
- 31 S.NAGARAJ
S/O.SHANMUGAM 5/59 RAMACHANDIRAM V.
MAATEYPALLI POST KRISHNAGIRI.
- 32 N.SELVAM
S/O.NAGAPPAN J.KOLLUPATTI VILLAGE
SEKKUPATTI POST ARUR DHARMAPURI.
- 33 L.MUNIAPPAN
S/O.LAKSHMANAN MNIYAPPANNAN KOTTAI
MURUKKUPATTI POST PAALAKADU CIRCLE
DHARMAPURI.
- 34 P.MURUGAN
S/O.PERUMAL 3/726 TUPPURAVU COLONY NELLI
NAGAR PIDAMANERI VELLAIAKAVUNDANPALAYAM
DHARMAPURI.
- 35 S.SAKTHIVEL
S/O.SUNDARAM TEYNGAAMARATHUPATTI VILLAGE
VENGATTAMPATTI POST VIA ANNASAAGARAM
DHARMAPURI.
- 36 P.SATHYAPRAKASH
S/O.PERUMAL (A) THIRUPPATHI PALAIYA
PAYANAPALLI KRP DAM POST KRISHNAGIRI.
- 37 G.MANIVEL
S/O.GOVINDASAMY MITTAALLI PUDUR POST VIA
KAVERIPATTANAM KRISHNAGIRI.
- 38 N.NAGARAJ
S/O.NANJUNDAN ODAIYANDAALLI VILLAGE AND
POST RAYAKOTTAI TENKANIKOTTAI CIRCLE
KRISHNAGIRI.

- 39 P.M.MUNIRAJ
S/O.MUNIYAPPAN ODAIYANDAALLI VILLAGE AND
POST RAYAKOTTAI TENKANIKOTTAI CIRCLE
KRISHNAGIRI
- 40 T.SENTHILKUMAR
S/O.DURAIRAJ VELLALAPATTI METTUTHANGAL
UORACHI UOOTHANGARAI CIRCLE KRISHNAGIRI.
- 41 R.MAADAIYAN
S/O.RATHINAM KURUMBAR STREET A.MALLAAPURAM
POST PAALAKADU CIRCLE DHARMAPURI.
... RESPONDENT IN WP NO.6599 OF 2015
- 1 THE INSPECTOR OF LABOUR
KRISHNAGIRI
- 2 K.NAGARAJAN
CIRCLE PRESIDENT MINSARA PIRIVU-ANNA
THOLIAR SANGAM POGANAPPALLI VILLAGE
KRISHNAGIRI PO KRISHNAGIRI TK & DT REGN NO.
2997 (CHENNAI)
- 3 P.VINOTH KUMAR
S/O.PERUMAL POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 4 S.MANIKANDAN
S/O.SEKAR 2/443 ANAN NAGAR COURT OPP.
RAYAKOTTAI ROAD KRISHNAGIRI
- 5 C.ANBARASAN
S/O.CHINNAPPU POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 6 M.SUGUMAR
S/O.MUNISAMY POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 7 T.GOPIKANNAN
S/O.DHASARATHAN NADUTHERU PAPPRAPPATTY
KRISHNAGIRI DISTRICT
- 8 K.BALAMUTHU
S/O.KOOLAPPAN POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT

- 9 M.BOGIRA
S/O.MUNUSAMY NARALLAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 10 A.ANABARASU
S/O.ANNAMALAI POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 11 L.KRISHNAMURTHY
S/O.LAKSHMANAN SIGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 12 M.THANGARAJ
S/O.MUNIAPPAN POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 13 M.SENTHILKUMAR
S/O.MANICKAM 16/17 AMBEDKAR NAGAR
SETTIONPATY KRISHNAGIRI DISTRICT
- 14 M.SIVAN
S/O.MUNUSAMY POGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 15 N.PERUMAL
S/O.NANJUNDAN POGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 16 L.RAMAMOORTHY
S/O.LAKSHMANAN INDIRA NAGAR SIGARAPALLY
POST KRISHNAGIRI DISTRICT
- 17 N.THIMMARAYAN
S/O.NARAYANAN POGANAPALLY VILLAGE
KRISHNAGIRI DISTRICT
- 18 S.SENTHILKUMAR
S/O.SUBRAMANI SAKKILINATHAN VILLAGE
VENGATASAMUTHIRAM POST KRISHNAGIRI DISTRICT
- 19 S.JAYAPANDIAN
S/O.SELVAN SAKKILINATHAN VILLAGE
VENGATASAMUTHIRAM POST KRISHNAGIRI DISTRICT
- 20 C.T.MURUGESAN
S/O.THIMMARAJAPPA KOTHAKRISHNAPALLY VILLAGE
VEPPANAPALLY TALUK KRISHNAGIRI DISTRICT.

- 21 G.K.KRISHNAMOORTHY
S/O.KONERI @ MUNUSAMY POGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT.
- 22 G.MURUGESAN
S/O.GOUNDASAMY 4/4221 ANNA NAGAR
KAVERIPATTINAM KRISHNAGIRI DISTRICT.
- 23 V.RAMESH
S/O.VEN GATESAN KILKUPPAN VILLAGE BARUR
POCHAMAPLLY KRISHNAGIRI DISTRICT.
- 24 P.RAJESH KANNA
S/O.BIRAPPAN POGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT.
- 25 T.ARUJUNAN
S/O.DHARMAGARTHA POGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT.
- 26 GUNASEKARAN
S/O.KOLLANDAIYAPPAN SAKKILINATHAN VILLAGE
VENGATASAMUTHIRAM POST
- 27 T.RAMACHANDRAN
S/O.DHARMAGARTHA POGARAPALLY VILLAGE
KRISHNAGIRI DISTRICT.
- 28 M.SATHOSHKUMAR
S/O.MUNIAPPAN KENGAVARAN VILLAGE
MAGADEVAKOLLAHALLI KRISHNAGIRI DISTRICT.
- 29 SREENIVASA RAJA
S/O.MUNIRATHINAM SOKKADI VILLAGE
MORAMADUGU POST KRISHNAGIRI DISTRICT.

... RESPONDENT IN WP NO.6600 OF 2015

- 1 THE INSPECTOR OF LABOUR
KRISHNAGIRI
- 2 N.PERUMAL
CIRCLE SECRETARY TAMIL NADU ACCOUNTS &
EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI

- 3 C.RAMESH
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 4 M.THIRUKUMARAM
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 5 M.PANEERSELVAM
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 6 M.MADHU
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 7 S.PARVALLAL
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 8 A.VADIVEL
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 9 A.RAJENDRAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 10 M.MUNIRAJ
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI

- 11 A.MADHU
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 12 E.RAJAMANI
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 13 C.PARAMESHWARAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 14 A.PALANI
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 15 P.VARADARAJ
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 16 P.LAKSHMANAMOORTHY
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 17 S.SARAVANAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 18 T.VEDANAYAGAM
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI

- 19 C.CHENDRAYAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 20 T.CHIDAMPARAM
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 21 C.SETTU
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 22 CHINNASAMY
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 23 M.MAGENDRAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 24 C.KASINATHAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 25 K.SARAVANAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 26 V.PRABULINGAM
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI

- 27 K.KESAVAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 28 K.KRISHNAN
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI
- 29 J.VADIVEL
C/O.N.PERUMAL CIRCLE SECRETARY TAMIL NADU
ACCOUNTS & EXECUTIVE SUBORDINATE STAFF UNION
DHARMAPURI REGN. NO.2472 (CHENNAI)
DHARMAPURI ... RESPONDENT IN WP NO.6601 OF 2015
- 1 THE INSPECTOR OF LABOUR
KRISHNAGIRI
- 2 S.GOGULDHAS
CIRCLE SECRETARY REG. NO.1200/ TRY ELEGAND
TAILOR COMPLEX 62-J ARUMUGA ACHARI STREET
DHARMAPURI.
- 3 V.ADHI
S/O.VENKATACHALAM J.K.ROAD POMMANOOR
PALACODE.
- 4 A.ARUNACHALAM
S/O.ARUNACHALAM PILLAI RAMAN NAGAR
UNGARANAHALLY POST YEMAKUTTLOOR DHARMAPURI.
- 5 V.MURUGAN
VENKTAN NO.132 SEMBOORAN TEMPLE STREET
PAPPIREDDIPATTY
- 6 R.RAJENDRAN
S/O.PERUMAL ERUTHUKUTTAHALLY PALACODE
TALUK DHARMAPURI.
- 7 A.NATARAJAN
S/O.ARJUNAN SOKKANKOTTAI SEERIYAMPATTI
PALACODE.

- 8 R.GANESAN
S/O.RAMAN 2-281 MONDUKUCHI
VEDAKATTAMADUVU HARUR
- 9 M.MURGUAN
S/O.MANICKA GOUNDER PANDAVAR NAGAR
UPPARAPATTI UTHAGARAI
- 10 S.DHARUMAN
S/O.SUBBARAYA GOUDNER GENGAPRANPATTI
UPPARAPATTI UTHANGARAI
- 11 C.PERUMAL
S/O.CHINNAPAIYA GOUNDER GENGAPRANPATTI
UPPARAPATTI UTHANGARAI
- 12 D.ARUMUGAM
S/O.DURASAMY GENGAPRANPATTI UPPARAPATTI
UTHANGARAI
- 13 M.PRAGALATHAN
S/O.MURUGA GOUNDER GENGAPRANPATTI
UPPARAPATTI UTHANGARAI
- 14 K.BASKARAN
S/O.KRISHNAN BAIRANATHAM PAPPIREDDIPATTI
DHARMAPURI.
- 15 C.RAJAGOPAL
S/O.CHINNASAMY BAIRANATHAM PAPPIREDDIPATTI
DHARMAPURI.
- 16 D.SRIDHAR
S/O.DHANDAPANI NO.8-13 BAIRAPPA MUDALIYAR
STREET OLD PET KRISHNAGIRI.
- 17 S.VENKATESH
S/O.SOMBAPPA MARUDHANDAPALLY HOSUR
- 18 R.THANGAVEL
S/O.RAJU 8-0 RANGAMMAPETTAI
PAPPIREDDIPATTY
- 19 P.SURESH
S/O.PERUMAL KUPPANKOTTAI PALACODE

- 20 V.VEDIYAPPAN
S/O.VETRAYAN NELAGUNDDAHALLY PALACODE
DHARMAPURI.
- 21 K.SAKTHIVEL
S/O.BANDHERI 43-3 SENGODAPATTI PALACODE
- 22 R.KRISHNAN
S/O.RENGAN GOUNDER SENGODAPATTI PALACODE
- 23 MEIYAZHAGAN
S/O.MADHU MAAKKAN KOTTAI PALACODE
- 24 S.SHAMSHEER
S/O.SHEIK MASTHAN BAGALUR
- 25 M.KRISHNA
S/O.MUNIYAPPA KOTTANGIRI VILLAGE
PEDAKSIGALAPALLI SHOOLAGIRI HOSUR.
- 26 K.V.NAGARAJ
S/O.VENKATACHALAM (LATE) KAATINAICKANTHOTTI
VIA BERIGAI HOSUR
- 27 K.SITHURAJ
S/O.VATTEPPA KUMBALAM SHOOLAGIRI HOSUR
- 28 K.SITTAIYA
S/O.KARIYAPPA KUMBALAM SHOOLAGIRI HOSUR
- 29 K.SIVAKUMAR
S/O.KUTTIYAPPA KUMBALAM SHOOLAGIRI HOSUR
- 30 T. SAMBATHKUMAR
S/O.THIMMARAYAN PIREPALAYAM SHOOLAGIRI
HOSUR
- 31 N.MUNIRAJ
S/O.NAGAPPA KOTTANGIRI BETHASIGALAPALLI
SHOOLAGIRI HOSUR
- 32 R.RAMESH
S/O.RAMACHANDRAPPA KOTTANGIRI
BETHASIGALAPALLI SHOOLAGIRI HOSUR

- 33 Y.KESAVAN
S/O.YERRAPPA SIKKANAPALLI BERIGAI POST
HOSUR
- 34 T.MUNICHANDRAN
S/O.THIMMAPPA A.CHETTIPALLI POST
SHOOLAGIRI HOSUR
- 35 P.K.LAKSHMI NARAYANAN
S/O.KRISHNAPPA PUKKASAGARAM HOSUR
- 36 S.SATHISHKUMAR
S/O.BARATHI NAGAR BERGAI POST HOSUR
- 37 SUNTHIRAPPA
S/O.ANNAIYA DHASANAPURAM THORIPPALLI HOSUR
- 38 M.ROJAPPA
S/O.MUNIYAPPA KUMBALAM SHOOLAGIRI HOSUR
- 39 B.GOVINDAPPA
S/O.THETHATHMUNIYAPPA AMUTHUKONDAPPALLI
BERIGAI HOSUR
- 40 M.DHURVISAN
S/O.MALLAPPAN ALASAPALLI A.CHETTIPALLI
SHOOLAGIRI HOSUR
- 41 C.VENKATGESAN
S/O.CHOKKAPPA KOTHAKOTTAI THORIPPALLI
HOSUR
- 42 K.RAMESH
S/O.KARIYAPPA KUMBALAM SHOOLAGIRI HOSUR
- 43 P.KUMAR
S/O.PONNUSAMY 4-570 ANNAI SATHYA NAGAR
PENNAGARAM MAIN ROAD DHARMAPURI
- 44 S.GOVINDAN
S/O.SRINIVASAN 5-1443 RANGANAYAGI ILLAM
DHARMAPURI.
- 45 M.RAMESH
S/O.MUNIYAPPAN 4-777 ANNAI SATHYA NAGART
DHARMAPURI.

- 46 K.CHANDIRAN
S/O.KRISHNAN 6-607 ANNAI SATHYA NAGAR
DHARMAPURI.
- 47 R.PRABU
S/O.RAJENDIRAN 4-554 ANNAI SATHYA NAGAR
PENNAGARAM MAIN ROAD DHARMAPURI
- 48 P.NARAYANASAMY
S/O.P.MUNIYAPPA T.KOTHAPALLI VIA
PISAVAGANAHLLY POST HOSUR.
- 49 M.MANIVANNAN
S/O.K.MURUGESAN RAGAVENDRA NAGAR BAGALUR
POST HOSUR.
- 50 N.SRINIVASAN
S/O.NARAYANAPPA BOOTHUPALLI HOSUR.
- 51 C.MURUGAN
S/O.SIGAMANI PAZHAIYAPUTHU REDDIYUR
OBINAICKALAHALLI KADATHUR
- 52 R.ASHOKKUMAR
S/O.RAMASAMY 3/50 MAAKAKOTTAI JERTHALAV
PALACODE. ... RESPONDENT IN WP NO.6603 OF 2015

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari,

W.P.6595 of 2015:

Calling for the records relating to the award passed by the 1st respondent made in Pa.Mu.2844/2012 dated 07.04.2014, quash the same.

WP No.6596 of 2015

Calling for the records relating to the Award passed by the 1st respondent made in A/2542/ 2010 dated 20.7.2011, quash the same

WP No.6597 of 2015

Calling for the records relating to the Award passed by the 1st respondent made in A/442/ 2011 dated 20.7.2011, quash the same

WP No.6598 of 2015

Calling for the records relating to the Award passed by the 1st respondent made in A/2466/ 2010 dated 9.5.2011, quash the same

WP No.6599 of 2015
Calling for the records relating to the Award passed by the 1st respondent made in A/2843/ 2010 dated 9.5.2011, quash the same

WP No.6600 of 2015
Calling for the records relating to the Award passed by the 1st respondent made in A/2516/ 2010 dated 25.2.2011, quash the same

WP No.6601 of 2015
Calling for the records relating to the Award passed by the 1st respondent made in A/2410/ 2010 dated 25.2.2011, quash the same

WP No.6603 of 2015
Calling for the records relating to the Award passed by the 1st respondent made in A/444/ 2009 dated 22.10.2010, quash the same.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
(in all W.Ps)

For Respondent : Mr.D.Suriya Narayanan [For R1]
Additional Government Pleader
(in all W.Ps)

W.P.No.6595 of 2015

For Respondent :Mr.G.Anandakumar
For R3 to 9, 11, 17, 26, 27, 29, 33

Mr.P.M.Jayachandran
For R31, 32, 34, 35

No appearance
For R2, 10, 12 to 16, 18 to 25, 28, 30,
36 to 41

W.P.No.6596 of 2015

For Respondent :Mr.G.Arulmurugan
For R3 to 17, 22, 27, 29 to 31, 35 to 46,
48 to 50, 53 to 55, 62 to 68, 70 to 74, 77,
80 to 82 and 84

No appearance
For R2, 18 to 21, 23 to 26, 28, 32 to 34,
47, 51, 52, 56 to 61, 69,
75, 76, 78, 79, 83, 85 and 86

W.P.No.6597 of 2015

For Respondent : No appearance
For R2 to R4

W.P.No.6598 of 2015

For Respondent : Mr.P.M.Jayachandran
For R5, 7, 9, 11, 12, 21, 22, 24, 26
Mr.S.Sasindran for R3

No appearance
For R2, 4, 6, 8, 10, 13 to 20, 23, 25

W.P.No.6599 of 2015

For Respondent : Mr.P.M.Jayachandran
For R5, 6, 9, 16, 34, 36 and 37

Mr.R.Ramesh Raja
For R41

No appearance
For R2 to R4, 7, 8, 10 to 15, 17 to 33,
35, 38, 39 to 40

W.P.No.6600 of 2015

For Respondent : Mr.G.Anandakumar
For R2 to 5, 7 to 11, 13 to 22, 25 to 27

No appearance
For R6, 12, 23, 24, 28 and 29

W.P.No.6601 of 2015

For Respondent : Mr.G.Anandakumar
For R5 to 8, 9 to 14, 18, 20 to 22,
26, 27

No appearance
For R2 to 4, 15 to 17, 19, 23 to 25 & 29

W.P.No.6603 of 2015

For Respondent : Mr.G.Arulmurugan
R4, 7, 8, 13 to 15, 19, 20, 22 to 41
49 to 52

No appearance

for R2, 3, 5, 6, 9 to 12, 16, 17, 18, 21
42 to 48

C O M M O N O R D E R

These writ petitions are filed, challenging the Awards passed by the 1st respondent / Inspector of Labour made in proceedings Pa.Mu/2844/2012 dated 07.04.2014, A/2542/2010 dated 20.07.2011, A/442/2011 dated 20.07.2011, No.A/2466/2010 dated 09.05.2011, No.A/2843/2010 dated 09.05.2011, No.A/2516/2010 dated 25.02.2011, No.A/2410/2010 dated 25.02.2011, No.A/444/2009 dated 22.10.2010.

2. The writ petitioners are Tamil Nadu Electricity Board. The facts in brief contended by the writ petitioners are that the respondents/workmen filed the application before the Inspector of Labour, under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 with a prayer that they should be conferred permanent status as workmen in the Tamil Nadu Electricity Board. The claim of the workmen were that they have completed 480 days of service and therefore, they must be granted the benefit of the respective services. It is stated that these workmen had completed 480 days of service in 24 Calendar months.

3. The writ petitioners/Electricity Board disputed the said contentions of the employees on the ground that these respondents/workmen did not figure in the list of 18,006 contract labourers prepared by the Hon'ble Justice Khalid Commission and hence, they cannot be granted with the benefit of permanent absorption under the Permanent Status Act. The petitioners/Board was not aware of the particulars of these respondents/workmen, more specifically, the date of joining, nature of work performed and they have worked for three years as 480 days within the continuous period of 24 calendar months. The respective Assistant Engineers gave certificates only to those contract labourers, who had worked under the contractors. Thus, the contention of the workmen is that the Assistant Engineer concerned had extracted work from the contract labourer, is false and incorrect. It is contended that there is no record in possession of the Tamil Nadu Electricity Board to show that the respondents/workmen have worked 480 days in 24 calendar months as per their claim. Some of the works of the respondents/workmen were performed through award of tenders to the contractors and the amounts are paid to the respective contractors. The wages as applicable were not paid directly to the workers to the Tamil Nadu Electricity Board. Thus, the claim of the respondents/workmen cannot be entertained at all.

4. The learned counsel appearing on behalf of the writ petitioners/Board stated that for grant of permanent absorption, the Tamil Nadu Electricity Board is bound by their own service regulations, which will prevail over the general laws. The legal principles to be followed is that, whenever there is a special enactment regarding the service regulations or rules of a "State", then the said service regulations will prevail over the general laws. The service regulations of the Tamil Nadu Electricity Board confirmed under Section 79 of the Electricity Supply Act, 1948 will hold goods in respect of the grant of benefits to the employees of the Tamil Nadu Electricity Board and the said regulations will prevail over all other general laws. Thus, the very application of the Conferment of Permanent Status Act, made by the workmen are untenable. The provisions of the Conferment of Permanent Status Act would not be applicable in such cases, where the special enactments are in force.

5. In the present cases, the service conditions were formulated by the Board by virtue of the powers conferred under Section 79 of the Electricity Supply Act, 1948. Therefore, the service regulations framed under the special statute will prevail over the general laws and therefore, this Court is of the considered opinion that the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen Act, 1981) is not applicable in respect of the employees, who all are claiming to be the servants of the Tamil Nadu Electricity Board.

6. The scheme of the service regulations issued by the Tamil Nadu Electricity Board is akin to that of the service condition formulated by the Government of Tamil Nadu to its employees. It is pertinent to note that the reservation in appointments are provided in the service regulation, which is a constitutional mandate. The mode of recruitment and the communal rotations, rosters are also contemplated under the service regulations. In the event of granting such permanent absorption without reference to the Rules & Regulations, the same would be in violation of the constitutional mandates and its provisions. The benefit of regularization or permanent absorption are ought to be granted strictly in accordance with the recruitment Rules in force. The Regulations are constituted by virtue of the powers conferred to the Competent Authorities under the Electricity Act. The service regulation, which all are in force, are akin to that of the service rules as applicable to the Government employees in the Government of Tamil Nadu. The Tamil Nadu Electricity Board being an instrumentality of a State, are following the service regulations framed under the statute and

therefore, the said service regulations will prevail over the general laws and the regulations are to be applied for the purpose of grant of regulation on permanent absorption.

7. It is relevant to cite the judgements of the Division Bench of this Court in the case of "L. Justine Vs. Registrar of Co-operative Societies" reported in "2003 (1) L.L.N. 315". The Division Bench framed the Issue No. (ii) as follows :-

"13. The Permanency Act of 1981 is also an Act enacted by the State and received the President's assent. Section 3 of the Act contains non obstante clause and provides protection to workmen, who are in continuous service for a continuous period of 480 days in a period of 24 calendar months in an industrial establishment, thus conferring a status of permanency. 'Industrial establishment' is defined in subSection (3) of Section 2 of the Act and in clause (e) thereof, an 'establishment' as defined in clause 2 (6) of the Tamil Nadu Shops and Establishments Act, 1947, is defined to be an industrial establishment. If we go to Section 2 (6) of the Tamil Nadu Shops and Establishments Act, it is clear that the word 'establishment' therein takes in cooperative society also. As such, there cannot be any doubt regarding the applicability of the Permanency Act of 1981. The word, 'industry' defined in Section 2 (j) (q) under the Industrial Disputes Act, 1947 also makes the cooperative societies susceptible to the Act of 1947. Thus, all such workmen belonging to a class and are afforded protection, are entitled for the benefits of the Permanency Act of 1981 as also the Industrial Disputes Act of 1947."

8. With reference to the above issue, the Division Bench made an observation that "The provisions of either the Permanency Act of 1981 or of the Industrial Disputes Act, 1947, cannot also be pressed into service when the appointments are ipso facto illegal and unauthorized. We cannot accede to the contention that even if the appointment is illegal and unauthorized, merely on the passage of time and completion of the stipulated period of 480 days under the Permanency Act, 1981 or 240 days under the Industrial Disputes Act, 1947 an indefeasible right accrues to an employee. Such an argument is clearly untenable."

9. In paragraph No.16 of the said judgement, the Division Bench made an observation that "There is a lot of difference between the irregularity and illegality. The appointments here are not irregular but illegal. Irregular is something which is done in an authorized manner but while doing so, there is some procedural irregularity. Illegality is altogether different. An action is illegal if it is contrary to law. The law in the instant case is so clear that the appointments cannot be beyond the permissible cadre strength."

10. This Court would like to consider the legal principles settled by the Constitution Bench of the Hon'ble Supreme Court in the case of "Secretary, State of Karnataka and others Vs. Umadevi and others" reported in "(2006) 4 SCC 1". The Constitution Bench also reiterated that the benefit of regularization or permanent absorption cannot be granted in violation of the recruitment Rules in force.

11. Let us look into the spirit of the judgement little later. Coming back to the judgement of the Division Bench in the case of "L.Justine Vs. Registrar of Co-operative Societies" is that the matter went to the Apex Court and in the case of "Uma Rani Vs. Registrar of Co-operative Societies" reported in "(2004) 7 SCC 112", the Apex Court also confirmed the views of the Division Bench in the case of "L.Justine Vs. Registrar of Co-operative Societies" and more specifically in paragraph Nos.24 to 41 are extracted hereunder :-

"24. Let us now consider the extent to which the provisions of the 1981 Act would apply to the fact of the present case.

25. The 1981 Act applies only to industrial establishments. Industrial Establishment has inter alia been defined to mean "an establishment as defined in clause (6) of Section 2 of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act 36 of 1947)".

26. Establishment has been defined in Section 2 (6) of the Tamil Nadu Shops and Establishments Act, 1947 as under:

"2. (6) 'Establishment' means a shop, commercial establishment, restaurant, eating house, residential hotel, theater or any place of public amusement or entertainment and includes such establishment as the State Government may by notification declare to be an establishment for the purpose of this Act."

27. Mr. Balakrishnan urged that the cooperative societies are Commercial Establishments.

28. Whether a Cooperative Society would be a commercial establishment or not would essentially be a question of fact. It cannot be said keeping in view the legislative intent that all cooperative societies would be 'commercial establishments' within the meaning of the Tamil Nadu Shops and Establishments Act, 1947. It, therefore, appears that the impugned Government Order has been issued by the State without proper application of mind. It has furthermore not been stated in the impugned Government Order that all the cooperative societies are commercial establishments within the meaning of Section 2(6) of the Tamil Nadu Shops and Establishments Act, 1947.

29. The Cooperative Societies and the Land Development Banks are governed by the statutes under which they have been created as also the Rules and bye laws framed thereunder. The cooperative societies are obligated to follow the cooperative principles as laid down in the Act and the Rules framed thereunder.

30. The State had framed rules in exercise of its power conferred upon it under Section 180 of the 1983 Act in the year 1988. Rule 149 of the 1988 Rules provides for a complete code as regard the mode and manner in which appointments were required to be made and the process of appointments is required to be carried out. In terms of the said Rule, requirements to possess educational qualification and other qualifications had been laid down. One of the essential qualifications laid down for holding certain posts is 'undergoing cooperative training and previous experience'.

31. At this juncture, we may notice some of the provisions contained in Rule 149 of the 1988 Rules.

32. Sub-rule (3) of Rule 149 read as under:

"149. (3)(a) No appointment by direct recruitment to any post shall be made except by calling for from the societies applications from their employees who possess the qualifications for the post and unless the Government have accorded special sanction for recruitment by advertisement in dailies, by also calling for a list of eligible candidates from the Employment Exchange.

(b) Where the Employment Exchange issues a non-availability certificate or the Government have

accorded special sanction for recruitment by advertisement in dailies, the society shall invite applications from candidates including those working in other societies by advertisements in one English daily and two Tamil dailies having circulation within the area of operations of the society approved by the Government for the purposes of issue of Government advertisements.

(c) Every appointment by direct recruitment shall be made by holding written examination and interview or by holding only interview as decided by the board and on the basis of the rank given with reference to the marks obtained in the written examination, if any, and the marks awarded in the interview:

Provided that nothing contained in this sub-rule shall apply to any of the posts for the recruitment of which a Recruitment Bureau has been constituted under section 74 or in respect of which common cadre of service has been constituted under section 75;

Provided further that nothing contained in this sub-rule shall apply to appointments of dependents of the employees of any society who died or medically invalidated while in service."

33. Sub-rule (4) of Rule 149 mandates that no person shall be appointed to the service of a society if he has on the date on which he joins the post, attained the age of thirty years and in the case of persons belonging to Scheduled Castes and Scheduled Tribes thirty-five years.

34. Sub-rule (25) of Rule 149 provides that the principle of reservation of appointment for Scheduled Castes/ Scheduled Tribes and Backward Classes followed by the Government of Tamil Nadu for recruitment to the State shall apply.

35. No appointment, therefore, can be made in deviation of or departure from the procedures laid down in the said statutory rules.

36. The terms and conditions of services are also laid down in the said rules.

37. The 1983 Act was furthermore amended in the year 1995 providing for cadre strength which is directly relatable to the income of the cooperative societies.

38. Provisions of the Act and the Rules framed thereunder reflect the legislative recruitment policy. The said provisions are, thus, mandatory in

nature.

39. Regularisation, in our considered opinion, is not and cannot be the mode of recruitment by any "State" within the meaning of Article 12 of the Constitution of India or any body or authority governed by a Statutory Act or the Rules framed thereunder. It is also now well-settled that an appointment made in violation of the mandatory provisions of the Statute and in particular ignoring the minimum educational qualification and other essential qualification would be wholly illegal. Such illegality cannot be cured by taking recourse to regularisation. (See State of H.P. Vs. Suresh Kumar Verma and Another, (1996) 7 SCC 562).

40. It is equally well-settled that those who come by backdoor should go through that door. (See State of U.P. and Others Vs. U.P. State Law Officers Association & Others, (1994) 2 SCC 204)

41. Regularisation furthermore cannot give permanence to an employee whose services are ad-hoc in nature."

12. In the case of "Secretary, State of Karnataka and others Vs. Umadevi and others" [hereinafter referred to as "Umadevi case"] the Constitution Bench also reiterated by holding that equal opportunity, being a constitutional mandate, the irregular or illegal appointments cannot be confirmed. The persons entered into public services through back door, must be allowed to go from the door which through they have entered into. Contrarily, mere length of service cannot be taken as a ground for granting the benefit of regularization of permanent absorption. Thus, engaging an employee in an illegal or irregular manner by some authorities or the engagement is through some contractors, then they cannot claim permanent status in service by virtue of the general Act viz., the Conferment of Permanent Status to Workmen Act, 1981 and such a claim cannot be considered by the authorities concerned as well as by the High Court. In such circumstances, the entire constitutional scheme is violated.

13. The Constitutional scheme of appointments ought to be followed scrupulously by the authorities competent, while undertaking the process of selection and appointment. In the event of engaging persons on temporary or casual basis, thereafter, granting the benefit of confirmation in violation of the service regulation, undoubtedly is in violation of the

Constitutional scheme of appointments and such a situation would amount to an unconstitutional act and therefore, the Court cannot consider such benefit of regularization on regularization or permanent absorption, merely on the ground that they have completed 480 days of service or for a considerable length of time.

14. The learned counsel appearing on behalf of the writ petitioner contended that the Tamil Nadu Electricity Board is not an Industrial Establishment defined under the provisions of the Act itself. Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 states that the Act applies to every industrial establishment. The word 'Industrial Establishment' is defined in Section 2(3) of the Act which reads as under :-

"(a) a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948) or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act; or

(b) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951); or

(c) a motor transport undertaking as defined in clause (g) of section 2 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961); or

(d) a beedi industrial premises as defined in clause (i) of section 2 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966); or

(e) an establishment as defined in clause (6) of section of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947); or

(f) a catering establishment as defined in clause (1) of section 2 of the Tamil Nadu Catering Establishments Act, 1958 (Tamil Nadu Act XIII of 1958); or

(g) any other establishment which the Government may, by notification, declare to be an industrial establishment for the purpose of this Act."

15. Relying on the above provisions, the petitioner states that the Act itself is not applicable in respect of the employees of the Tamil Nadu Electricity Board Act. If they are working in an Industrial Establishment, as defined under Section 2(3) of the Act, then alone the Act would be applicable.

16. The benefit of regularization of these contract labourers were earlier granted by the Tamil Nadu Electricity Board, pursuant to the recommendations of Justice Khalid Commission long back and subsequently, such confirmations are granted strictly in accordance with the terms and conditions of the 12(3) Settlement and not otherwise. This being the procedures followed for grant of confirmation, the Inspector of Labour is mechanically passing such order of confirmation of permanent status without reference to the legal grounds raised by the writ petitioners, even before the Inspector of Labour.

17. All appointments by the 'State' must be made only under the Constitutional scheme and by providing equal opportunity to all the eligible candidates, who all are aspiring to secure public employment through open competitive process. It is not as if, the authorities can recruit the persons at their whims and fancies or of their choice and after allowing such employees to work for a considerable length of time, then provide confirmation, regularization or permanent absorption, which is otherwise in violation of the service Rules of the Tamil Nadu Electricity Board. Such a practice would amount to unconstitutionality and further, the equality clause enunciated in the Constitution is defeated. Lakh and lakh of youth of this great Nation are burning their midnight lamp for securing public employment by participating in the open competitive process. The constitutional right of all these eligible candidates cannot be denied or deprived by the State or its authorities. In the event of denial of such constitutional rights of all eligible candidates, the entire appointment becomes unconstitutional and in violation of the Constitutional mandate.

18. This being the view to be adopted, this Court is of an opinion that it is not as if the employees can claim confirmation merely on the ground that they have served for 480 days, which is otherwise in violation of the service regulation constituted by virtue of the powers conferred under the Electricity Act, which would prevail over the general laws. The service regulations are constituted under the Constitutional scheme more specifically by providing Rules of reservation, communal rotations and other reservations for the priority categories. In the event of granting confirmation in the routine manner in respect of these employees, the Constitutional Right of all other eligible candidates to participate in the recruitment process is not only defeated but their rights are infringed. Thus, the orders of the Inspector of Labour are in violation of the constitutional scheme of appointment as well as

in violation of the service regulations issued by the Tamil Nadu Electricity Board by virtue of the powers conferred under the Electricity Act and such service regulations are apparently on par with the service regulations of the Government employees of the Government of Tamil Nadu.

19. The practice now prevailing in respect of grant of permanent absorption in Government Departments as well as in the Boards and Corporations are that the Contract Labourers / Temporary employees / Daily Wage employees, on completion of 240 days of services or 480 days of services, approaching the Inspectors of Labour, under the provisions of the Conferment of Permanent Status Act. The Inspector of Labour is also not considering the legal implications and the principles settled by the Constitutional Courts. They are routinely passing orders, granting Conferment of Permanent Status by verification of certain service certificate or the Attendance Registers. Few set of employees are directly filing writ petitions before the High Court under Article 226 of the Constitution of India. The High Courts also on some occasions, issuing directions to consider their representation. Such directions would do no service to the cause of Justice. Those litigants are back again before the Court by way of another writ petition. Ultimately, these back door appointees were attempting to get regularization and permanent absorption, one way or other in an irregular manner by abusing the process of law or on extraneous considerations before the authorities competent. Such a practice undoubtedly would amount to violation of the Constitutional mandates and further, infringed the rights of all other eligible citizens, who all are aspiring to secure public employment through open competitive process in accordance with the recruitment rules in force.

20. Uniformity in appointments, more specifically, in public services are to be scrupulously maintained by the authorities competent. The prevailing situation is that the authorities, at their whims and fancies and by way of Favouritism and Nepotism, engaging such Contract Labourers / Temporary employees and allowing them to continue even after the expiry of the project or for a considerable length of time by providing a false hope and those labourers are approaching the Inspector of Labour or the High Courts or the Government for regularisation and permanent absorption.

21. The Courts have repeatedly held that the terms and conditions of the appointments as far as the Government departments, Boards and Corporations are concerned, it must be unambiguous and clear. Ambiguity would create unnecessary issues

and would result in unconstitutionality. Thus, terms and conditions of appointment, even if a temporary appointment or a Contract appointment to fulfill the needs of the project or the scheme, must be specific and the employee must understand that he cannot claim any right, over and above the terms and conditions, which he had accepted at the time of appointment. This exactly the reason why the Constitution Bench also reiterated that the Back door appointments must be stopped at once. In paragraph 54 of the 'Umadevi Case', the Constitution Bench in unequivocal terms, held that any other judgment running counter to the principles laid down in 'Umadevi Case' are denuded to loose its status as a Precedent. Thus, those judgments rendered subsequently can have no binding effect for the purpose of granting the relief of regularisation or permanent absorption.

22. Large number of writ petitions are filed even before the High Court based on the orders passed by the Inspector of Labour under the provisions of the Conferment of Permanent Status Act. Perusal of those orders reveal that none of the legal grounds as well as the judgments of the Constitutional Courts were considered by the Inspectors of Labour. Contrarily, they are passing orders in a mechanical manner and based on which, the Contract Labourers are claiming permanent absorption. No doubt, the Courts sometimes, may take a lenient view, considering the plight of these Contract Labourers. Equally, the Courts are bound to consider the Constitutional rights of all other young people of this great Nation, whose rights are infringed. Those young people of this great Nation will get frustrated. If the appointments to the public services are not regulated and, if back door appointments are allowed to be continued, then the very constitutional scheme of appointments are diluted and thereby, we are creating an unconstitutionality in perpetuity; where young minds will lose their hope for their future. Thus, this Court is of an opinion that such a practice of granting confirmation of services must be stopped. All appointments are to be regulated. Appointments are to be made only under the constitutional schemes. Equal opportunity in public employment is the Constitutional mandate. All eligible persons must be provided with an opportunity to secure employment through recruitment process. The appointments are to be made by following the Rule of Reservations. As per the rules, all these aspects are to be scrupulously followed, then only the system of Constitutional scheme of appointments can be restored in its entirety and all such irregularities, illegalities in appointments can be stopped at once.

23. In the present writ petitions on hand, the Contract labourers were engaged by the Private Contractors and the Tamil Nadu Electricity Board entered into an agreement with those Private Contractors. However, a one time measure was taken to confirm the services of these Contract labourers, who were engaged by Private Contractors. However, there is no possibility of merit assessment. There is no possibility of implementation of Rule of Reservation or other recruitment rules. If large scale such appointments are made, then Rule of Reservation is violated. Constitutional provisions are violated and most importantly, the efficiency level in public administration is compromised. Neutralizing the effective public administration is unconstitutional. The Constitution itself contemplates that efficiency level in public administration must be maintained. Only if the appointments are regulated in accordance with the constitutional schemes, then alone, the efficiency level in public administration can be maintained. Therefore, all such back door appointments are to be stopped and grant of Conferment or Permanent absorption now cannot be granted in violation of the legal principles settled by the Constitution Bench of the Apex Court of India.

24. This Court also reiterated in many number of judgments that all such back door entries must not be considered for the purpose of granting confirmation. However, in respect of the Contract labourers of the Electricity Board, Justice Khalid Commission has made certain recommendations 28 years back. Those recommendations were implemented and the eligible Contract Labourers were granted with the benefit of Confirmation. Now, after a lapse of more than 28 years, the same recommendations cannot be continued for the purpose of granting confirmation of services. Eligible candidates during the relevant point of time were shortlisted and the benefit of confirmation was extended and therefore, the said benefit cannot be extended indefinitely even after a lapse of three Decades. Thus, this Court is not inclined to grant any such relief of regularization, permanent absorption or confirmation of services as the same is in violation of the Constitutional principles as well as the legal Precedent settled by the Constitution Bench of the Hon'ble Supreme Court of India.

25. In the present cases, the applications were filed before the Inspector of Labour and the grounds raised by the writ petitioners in respect of the application of the Act as well as the service regulations in force in the Tamil Nadu Electricity Board were not considered and the Inspectors of Labour has passed the orders without considering all these legal grounds

and thus, this Court has no hesitation in coming to the conclusion that the orders of the Inspector of Labour is perverse and not in consonance with the legal principles settled by the constitutional Courts across the country as well as by the Apex Court of India.

26. However, it is made clear that the case of the writ petitioners are also to be considered with reference to the judgment of the Hon'ble Division Bench of this Court rendered in the case of Superintending Engineer, Nagapattinam Electricity Distribution Circle Vs. Inspector of Labour, Pedari Koil Street, Thiruvarur, reported in 2009 (4) MLJ 472 and the 12(3) Settlement dated 10.08.2007 and also in the light of B.P. (Chairman)No.9, Administrative Branch, dated 09.01.2008. If the petitioners are otherwise eligible and qualified with reference to the terms and conditions of the 12(3) Settlement as well as the Board proceedings, their cases are to be considered by verifying the eligibility criteria and other requisite qualifications as prescribed in the above orders.

27. Under these circumstances, the Awards passed by the 1st respondent / Inspector of Labour made in proceedings Pa.Mu/2844/2012 dated 07.04.2014, A/2542/2010 dated 20.07.2011, A/442/2011 dated 20.07.2011, No.A/2466/2010 dated 09.05.2011, No.A/2843/2010 dated 09.05.2011, No.A/2516/2010 dated 25.02.2011, No.A/2410/2010 dated 25.02.2011, No.A/444/2009 dated 22.10.2010 are quashed and all the writ petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

kak
To

The Inspector of Labour,
Krishnagiri.

+1 CC to Mr.K. Sasindran, Advocate sr 85899

+2 CCS to Mr.G. Arulmurugan, Advocate sr 85923, 85924

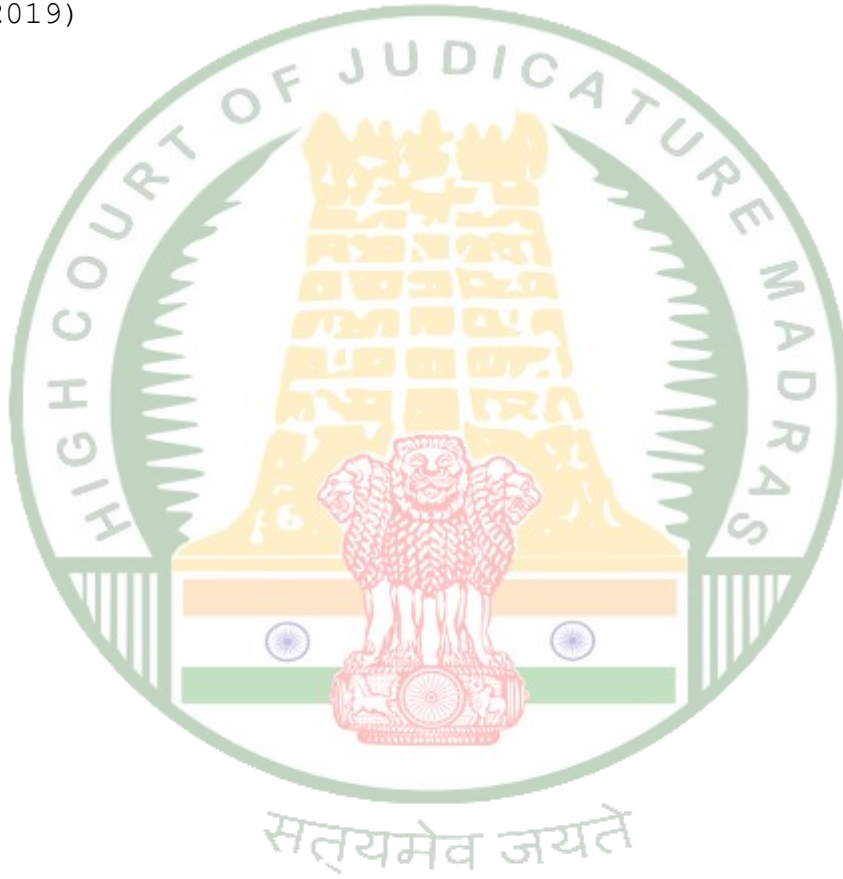
+3 CCS to Mr.G. Ananda Kumar, advocate sr 85708

+2 Ccs to Mr.P.M. Jayachandran, Advocate sr 86132, 86131

+8 Ccs to M/s.T.S. Gopalan & Co, sr 86175, 86173, 86177, 86176,
86178, 86180, 86179, 86181.

W.P.Nos.6595 to 6601 &
6603 of 2015

VSNII (CO)
SP (12/12/2019)



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