

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

CORAM

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

W.P.No.6602 of 2015

The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri - 5.

..Petitioner

Vs.

1. The Inspector of Labour,
Krishnagiri.
2. N.Perumal,
Circle Secretary,
Tamil Nadu Accounts & Executive Subordinate Staff Union,
Dharmapuri,
Registration No.2472 (Chennai),
Dharmapuri.
3. S.Raja
4. M.Krishnamoorthy
5. R.Santhoshkumar
6. K.Ramachandiran
7. G.Govindaraji
8. M.Dhanapal
9. M.Munirathinam
10. M.Suresh
11. M.Thirumal
12. N.Satthi
13. M.Murali
14. K.Srirarmalu
15. M.Thirumoorthy

16. K.Manivannan
17. K.Mahendran
18. M.Thimmarayan
19. P.Sankar
20. G.Murugan
21. G.Balamurugan
22. R.Balu
23. R.Murali
24. P.M.Perumal
25. N.Thirunavukarasu
26. J.Chinnavan
27. K.Raj
28. K.Moses
29. K.Arumugam
30. A.Seeni
31. C.Dhandapani
32. S.Siva

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the award passed by the 1st respondent made in A/3285/2009 dated 22.10.2010 and quash the same.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For Respondent s: Mr.D.Suriya Narayanan
Additional Government Pleader [R1]
Mr.Y.Ramanaiah
[RR3, 5 to 10, 12,14 & 21 to 23]
Mr.G.Ananda Kumar [R24]
No Appearance [RR2, 4, 11, 13, 15 to 20
& 25 to 32]

O R D E R

This writ petition is filed challenging the award passed by the Inspector of Labour 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, 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/ Electricity Board made a submission that the petitioner 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 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 petitioner/Electricity Board, 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/Electricity Board 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. Thus, the orders passed by the Inspector of Labour need not be given effect to.

6. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sni

To

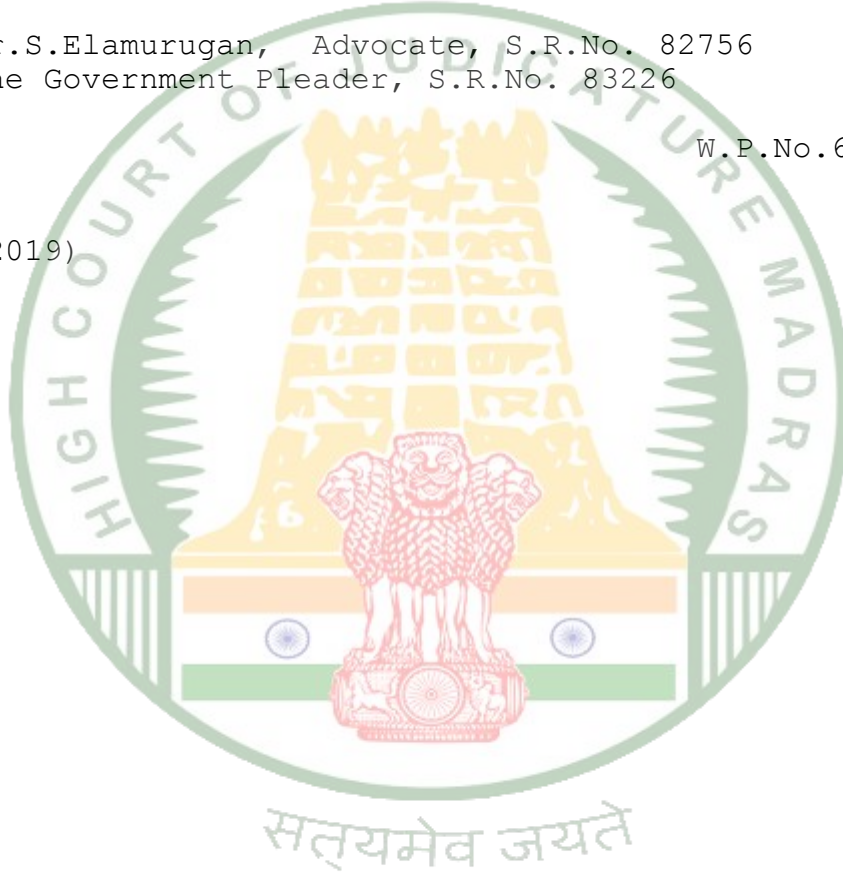
1. The Inspector of Labour,
Krishnagiri.
2. N.Perumal,
Circle Secretary,
Tamil Nadu Accounts & Executive Subordinate Staff Union,
Dharmapuri,
Registration No.2472 (Chennai),
Dharmapuri.

+1cc to Mr.S.Elamurugan, Advocate, S.R.No. 82756

+1cc to the Government Pleader, S.R.No. 83226

W.P.No.6602 of 2015

SSD(CO)
GN(08/11/2019)



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