

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.16666 of 2018
and
W.M.P.No.19878 of 2018

A.Rathinam ... Petitioner

Vs

- 1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai 600 002.
- 2.The Chief Engineer (personal),
TANGEDCO,
Anna Salai,
Chennai 600 002.
- 3.The Superintend Engineer,
TANGEDCO,
Perambalur Electricity Distribution circle,
Perambalur ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent pertaining to the order dated 17.07.2017 in LR No.1329 - 1/Ado/Adm 3/A.1/F court case/2017 and quash the same consequently direct the respondents herein to regularize the service of the petitioner in the TANGEDCO in terms of order dated 25.11.2011 made in W.P.No.11318 of 2006 passed by this Hon'ble Court with all attached benefits.

For Petitioner : Mr.Na.Malai Saravanan

For Respondents : Mr.Anand Gopalan for
Mr.T.S.Gopalan.

ORDER

This writ petition is filed challenging the award passed by the Inspector of Labours 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, 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 respondents/management made a submission that the respondents 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 respondents management in terms of the B.P.No.9 dated 09.01.2008.

4.In this view of the matter, the workman is permitted to submit fresh representation to the respondents 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 his engagement as contract labourer. In the event of receiving any such representation from the petitioner, the respondents 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 such representations.

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

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ay/svn

<https://hcservices.ecourts.gov.in/hcservices/>

To

1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai 600 002.

2.The Chief Engineer (personal),
TANGEDCO,
Anna Salai,
Chennai 600 002.

3.The Superintend Engineer,
TANGEDCO,
Perambalur Electricity Distribution circle,
Perambalur.

+1cc to Mr.Na.Malai Saravanan , Advocate SR.No. 18148

+1cc to Mr.T.S.Gopalan, Advocate SR.No. 17355

W.P.No.16666 of 2018
and

W.M.P.No.19878 of 2018

A.SK(22/03/2019)



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