

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.10.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.4954 of 2014
and
M.P.No.1 of 2014

The Superintending Engineer,
TNEB,
Kanchipuram Electricity Distribution Circle,
Kanchipuram.

.. Petitioner

-vs-

1.The Inspector of Labour,
Thiruvallur.

2.R.N.Sasikumar
3.A.Ravi
4.A.Srinivasan
5.S.K.Sivaraj
6.S.Ragunathan
7.G.Venkatesan
8.S.Krishnan

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the 1st respondent relating to his proceedings No.P.A. MU No.1155/2005 dated 29.09.2008, quash the same and direct the petitioner to confer permanent status to respondents 2 to 8 as workers in Tamil Nadu Electricity Board as illegal and without jurisdiction.

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

For Respondent-1 : Mr.J.Ramesh,
Additional Govt. Pleader

For RR2 to 8 : Mr.Y.Ramanaiah

ORDER

This writ petition is filed challenging the award dated 29.09.2008, passed by the Inspector of Labour, Thiruvallur, 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 petitioner 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 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 petitioner 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 petitioner 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 petitioner 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 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 Inspector of Labour, Thiruvallur 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.

abr

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Inspector of Labour,Thiruvallur.

+1cc to Mr.T.S.Gopalan and co , Advocate SR.No. 87663

+1cc to Mr.S.Elamurugan , Advocate SR.No. 87962

+1 cc to Government Pleader Sr.No. 88327

W.P.No.4954 of 2014

A.SK(05/12/2019)