

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.4957 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.G.Anbalagan

.. 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.6181/2004 dated 17.11.2008 and to quash the same.

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

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

For Respondent-2 : Mr.Y.Ramanaiah

ORDER

This writ petition is filed challenging the award passed by the Inspector of Labour, Thiruvallur, granting permanent status to the workman by the Tamil Nadu Electricity Board.

2.The learned counsel appearing on behalf of the workman 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/Management made a submission that the petitioner is not having any objection for considering the case of the workman 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 workman also agreed and filed his memo, stating that the case of the workman may be considered by the writ petitioner Management in terms of 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 writ petitioner 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 workman, the writ petitioner 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 a copy of this order.

5.In view of the submissions made by the learned counsel appearing on behalf of the workman, the order passed by the 1st respondent, granting permanent status, cannot be insisted upon and in the event of considering the case of the workman 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.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

abr

To

The Inspector of Labour,
Thiruvallur.

+1cc to M/s.S.Elamurugan, Advocate SR.87961
+1cc to M/s.T.S.Gopalan & Co, Advocate SR.87662
+1cc to the Government Pleader SR.88239

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BR(CO)
CB(06/12/2019)



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