

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM

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

W.P.No.251 of 2018
and
W.M.P.No.312 of 2018

The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Villupuram Electricity Distribution Corporation,
Villupuram Electricity Distribution Circle,
Villupuram.

..Petitioner

Vs

1. The Inspector of Labour,
(Authority under the Tamil Nadu Industrial
Establishment (Conferment of Permanent
Status to Workmen) Act, 1981
Villupuram.

2. Thiru R.Satyaseelan

..Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue the Writ of Certiorari to
call for the records of the first respondent in Proceedings
No.Pa..Mu.No.A/621/2015, and quash the order dated 22.06.2017.

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

For Respondents: Mr.N.Sakthivel
Additional Public Prosecutor [R1]
Mr.B.Manoharan [R2]

ORDER

The learned counsel appearing for the writ petitioner brought to the notice of this Court that the second respondent/Mr.R.Satyaseelan, earlier filed W.P.Nos. 20943 and 20948 of 2013 and this Court passed an order on 30.07.2013 :-

"Directing the Chief Engineer, Tamil Nadu
Generation and Distribution Corporation to consider

the representation of the second respondent and pass orders on merits and in accordance with law. The relief sought for in that writ petitions were for a direction to the respondents 1 and 2 therein, to consider and pass orders on the representation and to regularize services of the writ petitioners as per the list submitted by the third respondent to the second respondent in pursuant to the memo dated 12.05.2010."

2. Citing the said judgment, the learned counsel appearing on behalf of the second respondent/workman states that the second respondent is entitled to be regularized.

3. However, the earlier directions of this Court is, to consider the representation and this Court is of the considered opinion that as far as the present writ petition is concerned, the order impugned, is passed under the Conferment of Permanent Status Act by the Inspector of Labour. In this regard, this Court, also passed an order on 31.07.2018 in W.P.No.1570 of 2018 and the relevant paragraph Nos.2, 3, 4, 5 and 6 are extracted hereunder:-

"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/management made a submission that the petitioners 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 writ petitioners management in terms of the B.P.No.9 dated 09.01.2008.

4. In this view of the matter, the workmen is permitted to submit fresh representations to the writ petitioners management, within a period of three 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-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 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, the orders passed by the Inspector of Labour need not be given effect to.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

4. In view of the above orders passed by this Court, the writ petitioner herein, is permitted to submit a fresh representation to the management within a period of three weeks from the date of receipt of a copy of this order along with all the relevant documents proving his engagement as a contract labourer. In the event of receiving any such representation from the workman, the writ petitioner/Board is directed to consider the same in the light of the Board proceedings dated 09.01.2008 in B.P.No.9 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sni/dua

To

The Inspector of Labour,
(Authority under the Tamil Nadu Industrial
Establishment (Conferment of Permanent
Status to Workmen) Act, 1981
Villupuram.

+lcc to Government Pleader sr.77709

+lcc to M/s.T.S.Gopalan and Co, Advocate sr.77196

W.P.No.251 of 2018

nr 25/10/2019



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