



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27446 of 2018

and

WMP.No.31954 of 2018

1. R. Senthil Kumar

2. K. Ramesh

...Petitioners

vs.

1. The Tamil Nadu Electricity Maintenance
and Distribution

TANGEDCO

Represented by Managing Director,

Mount Road, Anna Salai,

Chennai- 600 002.

2. The Superintending Engineer,
Thiruvannamalai Electricity Distribution Circle,
TNEB, Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction in the nature of writ of mandamus directing the respondents to consider the petitioner in service as a permanent employee.

For Petitioners : Mr. K. Chandru

For Respondents : Mr. S. Haroon Al Rasheed
for M/s. T.S. Gopalan & Co for R1
and R2

O R D E R

The relief sought for in this Writ Petition is for a direction to the respondents to consider the petitioner in service as a permanent employee.

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 management made a submission that the management 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 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 representation to the 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 their engagement as contract labourer. In the event of receiving any such representation from the workmen, the 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 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.

7. Accordingly, the Writ Petition stands disposed of. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Tamil Nadu Electricity Maintenance
and Distribution
TANGEDCO
Represented by Managing Director,
Mount Road, Anna Salai,
Chennai- 600 002.



2. The Superintending Engineer,
Thiruvannamalai Electricity Distribution Circle,
TNEB, Thiruvannamalai.

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+1cc to Mr.K.Chandran, Advocate Sr.99817
+1cc to M/s.T.S.Gopalan & Co., Advocate Sr.99738

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