



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27819 of 2018

and

W.M.P.No.32328 of 2018

E.Seenu

...Petitioner

vs.

1.The Tamil Nadu Electricity Maintenance
and Distribution,
TANGEDCO,
Rep. 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 of Mandamus,
directing the respondents to consider the petitioner in service
as a permanent employee.

For Petitioners : Mr.K.Chandru

For Respondent : Mr.S.Haroon Ah Rasheed
for M/s.T.S.Gopalan and Co.,
for R1 & R2

O R D E R

The relief sought for in this writ petition is for a
direction to implement the order, conferring permanency with
time scale of pay, arrears towards difference in salary and all
other attendant benefits, award costs.

2.The learned counsel appearing on behalf of the
petitioner 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 stated 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 petitioner is permitted to submit fresh representations 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 a copy of this order.

5.In view of the submissions made by the learned counsel appearing on behalf of the petitioner, 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. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

tsg

To

1.The Managing Director,
Tamil Nadu Electricity Maintenance
and Distribution,
TANGEDCO,
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.Chandru, Advocate, SR.No.99816.

+1cc to Mr.T.S.Gopalan, Advocate, SR.No.99556.

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and
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NR(CO)
CSR:23/01/2020