

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.Nos. 29707 and 29715 of 2018

S. Devendran

... Petitioner
in W.P.No.29707/2018

B. Gangadaran

... Petitioner
in W.P.No.29715/2018

Vs.

1.The Chief Engineer Personnel
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002

2.The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Vellore Electricity Distribution Circle
Gandhi Nagar, Vellore District.

.... Respondents
in both the WPs.

Prayer in both Writ Petitions :- These Writ Petitions are filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to implement the order dated 14.09.2017 & 26.09.2017 made in Na.Ka. No.E/4252/2016 and order dated 26.09.2017 made in Na.Ka.No.E/3498/2016 passed by Inspector of Labour, Vellore.

For Petitioner in
both W.Ps

: Ms.A.Dhevi

For Respondents in
both W.Ps

: Mr.Haroon AL.Rasheed
for T.S.Gopalan & Co.

C O M M O N O R D E R

These Writ Petitions are filed seeking to direct the respondents to implement the order dated 14.09.2017 made in Na.Ka. No.E/4252/2016 and order dated 26.09.2017 made in Na.Ka.No.E/3498/2016 passed by Inspector of Labour, Vellore.

2. In short, in both the writ petitions, the issue focussed on, is the orders passed by the Inspector of Labour, Vellore, dated 14.09.2017 and 26.09.2017, directing the Superintending Engineer/TANGEDCO, Vellore District, to absorb the Labourers as permanent employees in terms of Section 3(1) of the Tamil Nadu Shops and Establishment (Conferment of Permanent Status to Workmen) Act, as they completed 480 days of service in the Board.

3. The learned counsel appearing for the Electricity Board, produced the order copy passed in W.P.Nos.13172 to 13176 of 2012 etc batch, dated 29.06.2018, wherein, this court held that since the respondents/TNEB are not having any objection for considering the case of the Writ Petitioners/Workmen in the light of the terms and conditions as stipulated in B.P.No.9 dated 09/01/2008, the Writ Petitioners/Workmen are permitted to submit fresh representations to the respondents/TNEB with necessary documents, establishing their engagement as contract labourer and further directed the respondents/TNEB to consider the same, in the light of the Board Proceedings issued dated 09.01.2008. This Court further pointed out that 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 writ Petitioners/workmen in the light of B.P.No.9 dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to.

4. The learned counsel for the Writ Petitioners would submit that liberty may be given to the Petitioners/workmen to raise all the claim before the authority concerned as per the Board Proceedings in B.P.No.9 dated 09.01.2008. Further the learned counsel for the Petitioners submit that the Petitioners had already approached Inspector of Labour, Vellore, and claim Petition is pending for consideration. Therefore, he request this court to give direction to the appropriate authority to consider the claim within the specified time.

5. In view of the submissions made by both parties and by consent of both sides counsel, in the light of the orders passed by this Court in W.P.No.13172 of 2012 etc., dated 29.06.2018, this Court is inclined to pass the following order:-

"Both the Writ Petitioners are permitted to submit fresh representations to the respondents, within a period of three weeks from the date of receipt of a copy of this order, along with necessary documents establishing their engagement as contract labourer. In the event of receiving any such representation from the workmen, the Management/TANGEDCO, is directed to consider the same, in the light of the Board

proceedings in B.P.No.9 dated 09.01.2008, and pass orders on merits and in accordance with law, as early as possible, preferably within twelve weeks thereof. Further, in view of the submissions made by the learned counsel appearing for both sides, 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 petitioners in the light of the Board Proceedings dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to."

6. The Writ Petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

avr

To

- 1.The Chief Engineer Personnel
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002
- 2.The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Vellore Electricity Distribution Circle

Copy TO

The Inspector of Labour
Vellore

+1cc to Mr.A.Dhevi, Advocate, S.R.No.
+1cc to Mr.T.C.Gopalan & CO, Advocate, S.R.No. 8264

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29715 of 2018

GP(CO)
GN(11/03/2019)