

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 02.07.2019****CORAM:****THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM****W.P. (MD) Nos. 15971 and 15972 of 2014****and****W.P. (MD) No. 15461 of 2015****and****M.P. (MD) Nos. 2 and 2 of 2014 and 2 of 2015**

1. Ranjith
2. Velankanni
3. Pandiyarajan
4. Maichelraj ... Petitioners in W.P. (MD) No. 15971 of 2014

1. Sakthivel
2. Balasubramanian
3. Velmurugan ... Petitioners in W.P. (MD) No. 15972 of 2014

1. P. Sakthivel
2. A. Elayaraja
3. Arockiadoss
4. Krishnamoorthy
5. R. Ponnusamy ... Petitioners in W.P. (MD) No. 15461 of 2015

-Vs-

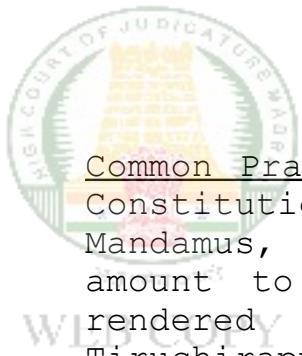
1. The Principal Secretary to Government,
Department of Energy,
Secretariat, Chennai-600 009.

2. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Annasalai, Chennai-600 002.

3. The Chief Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Thenur, Tiruchirappalli-620 017.

4. The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Mannarapuram, Tiruchirappalli-620 020.

<https://hcservices.ecourts.gov.in/hcservices/> ... Respondents
in all Writ Petitions



Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 3 and 4 to pay the claim amount to the petitioners towards ex-gratia for the services rendered by them as directed by the Labour Court at Tiruchirappalli by its order dated 26.07.2012 and consequently, direct the respondents 1 to 3 to absorb the petitioners considering their services with the respondents 3 and 4 since 1997 and 1995 respectively in the Tiruchirappalli Metro of the Tamil Nadu Electricity Board.

For Petitioner : Mr.T.M.Madasamy
(in all Writ Petitions)
For R1 : Mr.S.Dhayalan,
(in all Writ Petitions) Government Advocate.
For R2 to R4 : Mr.Anand Gopalan,
(in all Writ Petitions) For M/s.T.S.Gopalan & Co.

COMMON ORDER

The common relief sought for in the present Writ Petitions, is for a direction to direct the respondents 3 and 4 to pay the claim amount to the petitioners towards ex-gratia for the services rendered by them, as directed by the Labour Court at Tiruchirappalli, by its order dated 26.07.2012 and consequently, direct the respondents 1 to 3 to absorb the petitioners, considering their services with the respondents 3 and 4 since 1997 and 1995 respectively in the Tamil Nadu Electricity Board.

2.The very claim of the writ petitioners, is set out based on the fact that the writ petitioners were served as Contract Labourers from the year 1997 and 1995 respectively with the respondents 3 and 4 in Trichirappalli Metro Electricity Division. In view of the fact that the writ petitioners have completed 480 days of service and they are entitled to be absorbed. Hence, the present Writ Petitions are filed.

3.The writ petitioners have filed claim petitions before the Labour Court, Trichirappalli under Section 33(C) of the Industrial Disputes Act, 1947, to compute the money value payable to the writ petitioners as ex-gratia for the services rendered by them. The said amount has also not been settled. Thus, the present Writ Petitions are filed for a direction to settle the ex-gratia amount as well as to absorb the writ petitioners as permanent employees of the Trichirappalli Metro Electricity Division.

4.As far as the ex-gratia payment is concerned, it is left to the writ petitioners to seek execution of the order passed by the Labour Court in the manner known to law under the Industrial Disputes Act, 1947. As far as the permanent absorption



of the writ petitioners into Government service of the Tamil Nadu Electricity Board is concerned, the issues were already settled by this Court in W.P.(MD)Nos.11228 and 11229 of 2015, dated 25.06.2019. The relevant paragraphs of the order are extracted hereunder:-

"5.Admittedly, all these workmen were employed long back. On account of efflux of time, if permanent status or conformation of service are granted, the same will cause greater implications in the Board's administrations. This apart, the verification of service particulars are of paramount importance, before issuing any such permanent status or confirmation order.

6.In view of the fact that the Hon'ble Division Bench of this Court also considered all these issues raised by the authorities and passed an order in W.A.(MD) No.1302 of 2003 etc., batch, dated 24.10.2008 in the case of **the Superintending Engineer, Nagapattinam Electricity Distribution Circle, Tamil Nadu Electricity Board, Nagapattinam and others Vs. The Labour Court, Pedari Koil Street, Thiruvarur and another** reported in (2009) 4 MLJ 472. The relevant portion of the order of the Hon'ble Division Bench of this Court is extracted hereunder:-

"25.We therefore, direct that persons who ought to have been taken in employment against vacancies that were directed to be filled by the Supreme Court pursuant to Khalid Commission's report shall first be filled up before other vacancies are undertaken to be filled up. The writ petitions challenging the 18(1) settlement will stand dismissed, except to the extent mentioned in paras 23 and 24 above. Age relaxation, wherever necessary to accommodate them shall be given. Similarly, the writ petitions challenging the board proceedings 36 and 37 of the Administrative Branch dated 29.10.2005 will also stand dismissed. The claims of persons before the Labour Inspectors which have been allowed and who have come before this Court seeking for issue a mandamus for enforcement will now be considered under the 18(1) settlement. The writ petitions filed by the Electricity Board challenging the orders of the Labour Inspectors will now be dismissed as infructuous having regard to the 18(1) settlement. The appeals filed by the board against the decision of the learned single will also stands dismissed. The claims of the workmen in W.P.No.1033 of 2006 and the connected batch will not stand affected by the decision of this Court and the Labour Court will decide on their claims in I.D.No.106 of 2003 in the light of what we have observed, in so far as they are relevant and independently of the same on factual issues whether they have been directly employed by the Electricity Board or not. The writ petitions and Writ Appeals are disposed



11. Even in earlier occasions, this Court considered the very same issue and passed an order, permitting the workmen to submit fresh representations with reference to the judgment of the Hon'ble Division Bench of this Court as well as the board proceedings issued based on the 12(3) settlement and on receipt of the same, the authorities competent of the board, were directed to consider the facts, circumstances, as well as the material available on record, take a decision and pass orders on merits and in accordance with law. The said orders were followed in many other Writ Petitions also."

5. In view of the above, this Court is inclined to pass the following orders:-

"1. The workmen are at liberty to submit fresh representations, setting out the facts, details as well as service particulars and the documents, if any, to the competent authorities and in the event of receiving any such representations / applications, the same are directed to be considered by the competent authorities of the Tamil Nadu Electricity Board, strictly in accordance with the judgment of the Hon'ble Division Bench of this Court reported in **(2009) 4 MLJ 472** as well as consequential proceedings issued in B.P.(Chairman) No.9, Administrative Branch, dated 09.10.2008.

2. The competent authorities while passing orders on such applications / representations shall communicate the said orders to the workmen concerned, without causing any undue delay."

6. With these directions, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Labour Court,

<https://hcservices.hcj.madras.gov.in>



2.The Principal Secretary to Government,
Department of Energy,
Secretariat, Chennai-600 009.

+3cc to Mr.T.M.Madasamy, Advocate in SR.73335 & 73336
+2cc to the Special Government Pleader in SR.73234 & 73205

W.P. (MD) Nos.15971 and 15972 of 2014
and

W.P. (MD) No.15461 of 2015

Dated.02.07.2019

PBK(17.07.2019) 6P 8C