



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.18629 of 2019

and

W.M.P. (MD) Nos.14993 and 14995 of 2019

Eniyavan, S/o.Gopal

...Petitioner

Vs.

1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Anna Salai,
Chennai.

2.The Additional Chief Engineer,
Trichy,
Distribution Circle, Metro, TANGEDCO,
Tiruchirappalli.

3.The Executive Engineer (O & M),
Tamil Nadu Electricity Board,
Musiri Division,
Tiruchirappalli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the letter of the second respondent, dated 22.07.2011 and directing him to appoint the petitioner as permanent Mazdoor in the respondent Corporation.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Ms.P.Malini
for M/s.T.S.Gopalan & Co.,
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the letter of the second respondent, dated 22.07.2011, and consequently, to direct him to appoint the petitioner as permanent Mazdoor in the respondent Corporation.



2.Ms.P.Malini, learned Standing Counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner submitted that the similar issue was already considered by this Court in W.P.No.30603 of 2018, dated 01.02.2019 [The Superintending Engineer, Tamil Nadu Generation and Distribution Corporation Limited, Vellore Electricity Distribution Circle, Vellore Vs. The Inspector of Labour, Authority under the Industrial Establishments (Conferment of Permanent Status to Workmen) Act, Vellore and 8 others]. The relevant Paragraph of the said order reads as follows:-

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

'The respondents 2 to 9 are permitted to submit fresh representations to the authority concerned/TANGEDCO, 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 thereafter. 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 impugned orders passed by the Inspector of Labour need not be given effect to.' '

4.The learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents submitted that this Writ Petition may also be disposed of in line with the above said order passed by this Court.

5.In the light of the above said submission made by the learned counsel on either side and in the light of the above said order, this Court is inclined to pass the following order:-

(i) The petitioner is permitted to approach the Committee constituted by the Board as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of any such application, the Committee shall consider the petitioner's claim 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 expeditiously as possible, preferably within eight weeks thereafter.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Anna Salai,
Chennai.

2.The Additional Chief Engineer,
Trichy,
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Tiruchirappalli.

3.The Executive Engineer (O & M),
Tamil Nadu Electricity Board,
Musiri Division,
Tiruchirappalli District.

+1 CC to M/s.P. MALINI, Advocate (SR-83863[F] dated 28/08/2019)

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-84023[F] dated 29/08/2019)

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28.08.2019

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JM/18.09.2019/3P/6C