

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.07.2019****CORAM:****THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) .No.20611 of 2014****WEB COPY**

S.Sankarashwaran

... Petitioner

-Vs-

1.The Secretary to Government

Government of Tamil Nadu,

Labour and Employment,

Fort St. George, Chennai 600 009.

2.The Chairman (Administration),

TANGEDCO,

(formerly Tamil Nadu Electricity Board)

No.800, Anna Salai,

Chennai 600 002.

3.The Superintending Engineer,

Virudhunagar Electricity Distribution Circle,

Tamil Nadu Electricity Board,

Virudhunagar District.

4.The Inspector of Labour/

Industrial Adjudicator,

Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to absorb the petitioner herein in the 3rd respondent establishment as per the proceedings of the 4th respondent herein in No.2580/2000 dated 09.08.2014 and as confirmed by this Court in WP.No.17366 of 2005 and pay all monetary benefits, within a reasonable time.

For Petitioner

: Mr.B.Vinothbalan

For Respondents

: Mr.D.Muruganantham

Additional Government Pleader
(for R-1 and R-4)

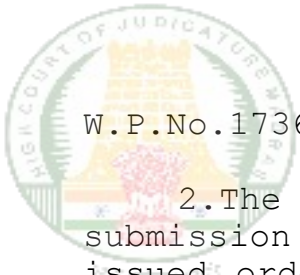
Mrs.P.Malani

for M/s.T.S.Gopalan and Co

(for R-2 and R-3)

ORDER

The present writ petition is filed for a direction to direct the respondents 1 to 3 to absorb the petitioner herein in the third respondent establishment as the proceedings of the fourth respondent in No.2580/2000 dated 09.08.2004 and as confirmed by this Court in



W.P.No.17366 of 2005 and pay all monetary benefits.

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, dated 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 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 respective learned counsel appearing on behalf of the workmen, the orders passed by the Inspector of Labour concerned granting permanent status to the workmen cannot be insisted upon. However, the respondents are bound to consider the case of the workmen in the light of the B.P.No.9, dated 09.01.2008, without reference to the orders passed by the Inspector of Labour.

6.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government
Government of Tamil Nadu,
Labour and Employment,

<https://hcservices.ecourts.gov.in/hcservices/>

Fort St. George, Chennai 600 009.



2.The Inspector of Labour/
Industrial Adjudicator,
Virudhunagar.

+1 CC to M/s.P.MALINI, Advocate (SR-74815[F] dated 11/07/2019)

+1 CC to M/s.SPL GP (SR-74995[F] dated 12/07/2019)

+1 CC to M/s.VINOTH BALAN, Advocate (SR-74786[F] dated 11/07/2019)

W.P. (MD) No.20611 of 2014

11.07.2019

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