



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) Nos. 5349, 5351, 5353, 5355, 5363, 5365, 5382, 5387, 5390,
5391, 5394, 5445 to 5447, 5460 and 5461 of 2011

and

M.P. (MD) Nos. 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 and 1 of 2011

1. The Superintending Engineer
Electricity Distribution Circle,
Tamilnadu Electricity Board,
Tirunelveli

2. The Chief Engineer (Personnel),
Tamilnadu Electricity Board,
800, Anna Salai, Chennai-2

..Petitioners in WP(MD). Nos. 5349, 5351, 5353, 5355, 5363,
5365, 5382, 5387, 5390, 5391, 5394, 5445 to 5447,
5460 of 2011

The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Nagercoil -03.

..Petitioner in WP(MD). 5461/ 2011

- Vs. -

The Inspector of Labour Tirunelveli

..1st respondent in WP(MD). Nos. 5349, 5351,
5353, 5355, 5363, 5365, 5382, 5387, 5390,
5391, 5394, 5445 to 5447, 5460 of 2011

M.Raja Mohideen ..2nd Respondent in WP(MD). 5349/ 2011

J. Prem Asir, ..2nd Respondent in WP(MD). 5351/ 2011

T.Manivannan

Through Tamil Nadu Minsara Thozhilalargal Federation,
Tirunelveli.

..2nd Respondent in WP(MD). 5353/ 2011



R. Murugesan, ..2nd Respondent in WP(MD). 5355/ 2011
Through Tamil Nadu Minsara Thozhilalargal
Federation, Tirunelveli.

A.Mariappan
Through Tamil Nadu Minsara Thozhilalargal Federation,
Tirunelveli. ..2nd Respondent in WP(MD). 5363/ 2011

R. Chinnathurai, ..2nd Respondent in WP(MD). 5365/ 2011

J. Devid Seenivasan, ..2nd Respondent in WP(MD). 5382/ 2011

R.Balasubramanian
Through Tamil Nadu Minsara Thozhilalargal Federation,
Tirunelveli. ..2nd Respondent in WP(MD). 5387/ 2011

K.Petchi,
Through Tamil Nadu Minsara, Thozhilalargal Federation,
Tirunelveli. ..2nd Respondent in WP(MD). 5390/ 2011

R. Geyabudhin,
Through Tamil Nadu Minsara Thozhilalargal Federation,
Tirunelveli. ..2nd Respondent in WP(MD). 5391/ 2011

V. Muppudathi,
Through T.N. Minsara Thozhilalargal Federation, Tirunelveli
..2nd Respondent in WP(MD). 5394/ 2011

K.Ganapathy
Through Tamil Nadu Minsara
Thozhilalargal Federation,
Tirunelveli. ..2nd Respondent in WP(MD). 5445/ 2011

J. Jesu David Annadurai,
Through T.N. Minsara Thozhilalargal Federation, Tirunelveli
..2nd Respondent in WP(MD). 5446/ 2011

J.Jeyapaul Gnanasingh
Through Tamil Nadu Minsara Thozhilalargal Federation,
Tirunelveli. ..2nd Respondent in WP(MD). 5447/ 2011

A.Panneer Selvan
Through Tamil Nadu Minsara Thozhilalargal Federation, Tirunelveli.
..2nd Respondent in WP(MD). 5460/ 2011

1. Secretary,
Tamil Nadu Min Kazhaga Kanakkayar
Kazha Thozhilalar Sangam,
Nagercoil

2. The Presiding Officer,
Labour Court, Tirunelveli. ... Respondents in WP(MD). 5461 of 2011



Prayer in WP(MD). Nos. 5349, 5351, 5353, 5355, 5363, 5365, 5382, 5387, 5390, 5391, 5394, 5445 to 5447, 5460 of 2011 :

Writ Petitions filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.E/Pa.Ni.Ka. 2/08 dated 2.6.2009.

Prayer in WP(MD). 5461/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ order or direction in the nature of writ of certiorari calling for the records of the 2nd respondent in I.D.NO.100/1999 and quash the order dated 23.02.2005 made therein.

For Petitioners : Mrs.P.Malini for
T.S. Gopalan

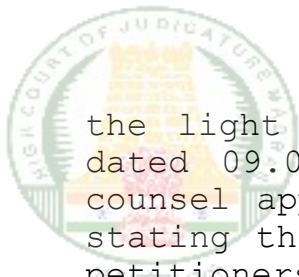
For Respondents :
for R1 : Mr. K.Mu.Muthu, AGP IN ALL THE
WPs
for R2 : Mr.B.K.Rajendran in WP(MD) Nos.5349,
5351, 5353, 5355, 5363, 5365, 5382,
5387, 5390, 5391, 5445 TO 5447,
5460 OF 2011
for R2: Mr.R.J. Karthick in WP(MD) No.5394 OF
2011
for R1: Mr.R.Thangasamy in WP(MD) No.5361 OF
2011
R2 : Tribunal

COMMON ORDER

These writ petitions are filed challenging the award passed by the Inspector of Labour granting permanent status to the workmen by the Tamil Nadu Electricity Board.

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 writ petitioners/management made a submission that the petitioners are 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 writ petitioners management in terms of the B.P.No.9, dated 09.01.2008.

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4.In this view of the matter, the workmen are permitted to submit fresh representations to the writ petitioners 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 writ petitioner 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, all these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Inspector of Labour,
Tirunelveli.

14CCS TO MR.R.J. KARTHICK, ADVOCATE SR 71160,70855

1CC TO MR. T.S. GOPALAN,ADVOCATE SR 70415

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

1CC TO MR.T.ARUL, ADVOCATE SR 70490



1CC TO THE SPL GOVT PLEADER SR 71009

KK

15/07/2019

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W.P. (MD) Nos. 5349, 5351, 5353, 5355, 5363, 5365,
5382, 5387, 5390, 5391, 5394, 5445 to 5447,
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