

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2020
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.7169 of 2013

1.C.Ramesh
2.M.Thirukumaran
3.M.Panneerselvam
4.S.Parivallal
5.A.Vadivel,
6.A.Rajendran
7.M.Muniraj
8.A.Madhu
9.E.Rajamani
10.C.Parameswaran
11.A.Palani
12.B.Varadharaj
13.T.Vedanayagam
14.T.Chidambaram
15.C.Settu
16.R.Chinnasami
17.M.Mahendiran
18.K.Kesavan

... Petitioners

vs.

1.The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamilnadu Electricity Board (Now TANGEDCO)
Dharmapuri-5.

2.The Inspector of Labour,
Krishnagiri.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate orders conferring permanent status in the services of the Board in the appropriate positions befitting the nature of employment performed by the the petitioners as ordered by the 2nd respondent in his proceeding made in No.A/2410/2010 dated 25.02.2011 with all attendant benefits.

For Petitioner :Mr.S.Elamurugan

For Respondents:Mr.Anand for
M/S.T.S.Gopalan & Co., for R1

:M/S.M.Fakkir Mohideen, SC for
TNEB for R2

O R D E R

This writ petition is filed to direct the 1st respondent to pass appropriate orders conferring permanent status to the petitioners in the services of the Board in the appropriate positions befitting the nature of employment performed by the the petitioners as ordered by the 2nd respondent in his proceeding made in No.A/2410/2010 dated 25.02.2011 with all attendant benefits.

2.The case of the petitioners is that the 1st respondent Board engaged the petitioners as daily wage labourer continuously to do the job of digging pits, for erecting poles, drawing electrical lines and also for installing meters. The grievance of the petitioners is that since they completed more than 480 days of continuous service within a period of 2 years, in order to get permanent status as provided under Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act 1981, they approached the 2nd respondent praying for conferment of permanent status. The 2nd respondent, after considering the various documents, passed an order that the petitioners are entitled to get permanent status, in his proceedings dated 25.02.2011, wherein their names find place in Sl.No.1 to 3, 5 to 13, 16, 18 to 21 and 25,. However, similarly placed persons in other circles, based on the above order, approached the Labour Inspectors for appropriate relief and obtained orders in their favour, and those orders were challenged before this Court in WP.Nos.17692/99 and 29862/03 etc. Since the said orders were not complied with, the workmen, who obtained orders in their favour for conferment of permanent status, approached this Court for implementation of the orders of the Labour Inspector by filing writ petitions. Though the petitioners are similarly situated persons, made representation to the respondents on 25.5.2011 and since no orders were passed on the said representation, the present writ petition has been filed.

3.Learned counsel appearing for the petitioners, referred to the ratio laid down by the Division Bench made in W.A.NO.1302/03 etc., dated 24.10.2008 and submitted that the same would apply to the petitioners also. He further submitted that the Board after 12(3) settlement dated 10.08.2007, issued orders in B.P. (Charmian) No.9, Administrative Branch, dated 9.1.2008, granting permanent absorption for contract labourers, who all are not covered by 12(3) settlement. Certain conditions were stipulated in the Broad proceedings dated 9.1.2008 for granting permanent absorption. Accordingly, he prays this court to permit the

petitioners to make fresh representation to the 1st respondent , and further requested to issue a direction to the 1st respondent to consider the same in accordance with law within a reasonable time as fixed by this Court.

4. On the above contention, this Court heard learned standing counsel for the 2nd respondent and the learned counsel for the 1st respondent, who have no serious objection for considering the case of the petitioners in the light of the terms and conditions as stipulated in B.P.No.9 dated 9.1.2008.

5. In view of the limited relief sought for in the present petition, without going into the merits of the contentions raised in the grounds, this Court directs that the petitioners would stand covered by the terms and conditions stipulated in B.P. No.9 dated 9.1.08 for grant of permanent status and they would not stand covered by the orders passed by the Inspector of Labour granting permanent status. It is further made clear that the respondents shall grant the benefits to the petitioners including permanent status in terms with B.P. No.9 and the orders passed by the Inspector of Labour need not be given effect to.

6. Accordingly the petitioners are permitted to submit fresh representations to the Management Board/1st respondent, within a period of three weeks from the date of receipt of a copy of this order, along with all necessary documents establishing their engagement as contract labourer and on receipt of the said representation from the petitioners, the 1st respondent is directed to consider the same in the light of the B.P. No.9 dated 9/1/2008 and pass orders on merits and in accordance with law, within a period of 12 weeks thereafter. With the above direction, this Writ Petition is disposed of. In the said circumstance, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs

To

1. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamilnadu Electricity Board (Now TANGEDCO)
Dharmapuri-5.

2.The Inspector of Labour, Krishnagiri.

+1 CC to Mr.S.Elamurugan, Advocate sr 35841.

W.P.No.7169/2013

BS (CO)
SP(09/12/2020)



WEB COPY