



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)Nos.9495 and 9496 of 2015

and

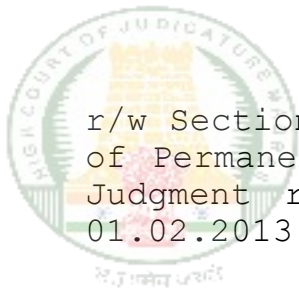
M.P(MD)Nos.1 & 1 of 2015

1.S.Soundararajan ... Petitioner in W.P.9495/2015
2.K.Senthilkumar ... Petitioner in W.P.9496/2015

Vs.

1. Tamil Nadu General and Distribution Corporation Limited, Rep.by its Chairman
(Formerly known as Tamil Nadu Electricity Board)
800, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu General and Distribution Corporation Limited,
(Formerly known as Tamil Nadu Electricity Board)
800, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Karur Electricity Distribution Circle,
Tamil Nadu General and Distribution Corporation Limited,
(Formerly known as Tamil Nadu Electricity Board)
Karur.
4. The Inspector of Labour,
Karur. ... Respondents in both WPs

COMMON PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to regularize the petitioners' services from the date on which the petitioners completed 480 days of services and further directing the respondents 1 to 3 to pay the petitioners the arrears of difference in wages and all other consequential attendant benefits, as per law and by implementing the order of the Inspector of Labour, Karur in Na.Ka.No.392/08, dated 15.02.2010, passed under Section 5



r/w Section 6(4) of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, which was upheld in the Judgment rendered by this Court in W.A(MD)No.774 of 2012, dated 01.02.2013.

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For Petitioners : Mr.C.K.Chandrasekar
(in both WPs) For Mr.A.Rahul

For Respondents : Mr.Anand Gopalan
(R1 to R3) For M/s.T.S.Gopalan & Co.,
(in both Wps)

For Respondent-4 : Mr.D.Muruganandham
(in both WPs) Addl.Govt.Pleader

COMMON ORDER

The relief sought for is to direct the respondents 1 to 3, to implement the order of the Inspector of Labour, Karur, dated 15.02.2010, passed under Section 5 r/w Section 6(4) of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, which was upheld in the Judgment rendered by this Hon'ble Bench in W.A.(MD)No.774 of 2012, dated 01.02.2013.

2. The learned counsel for the petitioners made a submission on merits that the order passed by the Hon'ble Division Bench in the Writ Appeal is to be implemented, by regularizing the services of the writ petitioners, in the sanctioned post, in the time scale-of-pay, in view of the fact that permanent status has been granted under the Act, by the Competent Authority.

3. The learned counsel appearing on behalf of the Respondents 1 to 3 made a submission that, as against the Judgment of the Hon'ble Division Bench, the Respondent Board filed a Review Petition No.227 of 2017 and the said Review Petition is pending and they are taking steps to get the matter listed for hearing.

4. In view of the fact that the Review Petition is pending, the respondents Board is unable to implement the order of the Inspector of Labour, Karur and they are awaiting for the disposal of the said Review Petition filed by them.

5. This Court is of the considered opinion that during the pendency of the Review Petition No.227 of 2017, which was filed against the judgment of the Writ Appeal in W.A.(MD)No.774 of 2012, this Court cannot issue a direction to implement the order passed by the Inspector of Labour, Karur, as the said order itself is the subject matter of the Writ Appeal as well as the Review Petition,



which is now pending. Thus, the parties have to adjudicate the issue before the Division Bench and therefore, no adjudication is required in these Writ Petitions and the Writ Petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

The Inspector of Labour, Karur.

+1 CC to the SPL GP (SR-23907[F] dated 03/12/2020)

W.P. (MD) Nos. 9495 and 9496 of 2015

01.12.2020

PV(CO)

CS(09.12.2020) 3P 3C