

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.16459 OF 2017

1) S. Kanagarajan

2) S.Arumugam

3) L.Govindaraj

4) K.Murugan

5) V.Annadurai

6) M.Balan

7) R.Arumugam

8) P.Anbalagan

9) R.Samidurai

10) Nagaraji ... Petitioners

vs.

1) The Superintending Engineer,
TANGEDCO,
Dharmapuri.

2) The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai 600 002

3) The Inspector of Labour,
Krishnagiri
Labour Department.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to implement the proceedings of the 3rd

respondent made in E/2801/98 dated 24.12.1999 taking into account the date of conferring permanent status from 24.12.1999 for the purpose of all benefits like continuity in service, promotion and pay benefits etc. and taking into account the period of 24.12.1999 to 10.9.2007 as requested in the representation dated 3.11.2015.

For Petitioner : Mr.E.Elamurugan

For RR 1 & 2 : Mr.Anand Gopalan,
For M/s.T.S.Gopalan & Co.,

For R-3 : Mr.P.Ganesan,
Government Advocate.

O R D E R

In identical circumstances, when the Authorities under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, conferred permanent status to similarly placed workmen, this Court in the case of B.Varadharaj vs. the Superintending Engineer and others passed in W.P.No.15486 of 2017 dated 07.11.2019 had held that the petitioner therein would be entitled for permanent status in consonance with the terms of the Settlement arrived under Section 12(3) of the Industrial Disputes Act, 1947, as well as the Board proceedings in B.P.No.9 dated 09.01.2008. The relevant portion of the order reads as follows:-

"30. Under these circumstances, it is made clear that so far as the order passed by the Inspector of Labour is concerned, the same cannot be insisted upon and the petitioner cannot seek permanent absorption based on any such order passed by the Inspector of Labour, as the Inspector of Labour has no authority to issue any such direction as discussed above. However, the case of the writ petitioner is to be considered with reference to the 12(3) Settlement arrived between the Tamil Nadu Electricity Board and the Trade Unions on 10.08.2007 and the consequential Board Proceedings issued in this regard in B.P. (Chairman)No.9, Administrative Branch, dated 09.01.2008.

31. Accordingly, the case of the writ petitioner is directed to be considered by the third respondent with reference to the terms and

conditions of the 12(3) Settlement as well as the Board Proceedings in B.P.(Chairman)No.9, Administrative Branch within a period twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of the representation or submit a fresh representation and other relevant documents to establish his services with the Tamil Nadu Electricity Board along with a copy of this order enabling the 2nd respondent to consider his case with reference to the terms and conditions."

2. The learned counsel for the petitioners would submit that he would be satisfied if a similar order as that of B.Varadharajan's case (cited supra) is passed in the present case also.

3. Learned counsel for the respondents also has no objections if such an order is passed.

4. In view of the submissions made by both the learned counsels, the case of the petitioners herein are directed to be considered by the third respondent with reference to the terms and conditions of the 12(3) Settlement as well as the Board Proceedings in B.P.(Chairman)No.9, Administrative Branch, within a period twelve weeks from the date of receipt of a copy of this order. The petitioners are granted liberty to submit a fresh representation along with other relevant documents to establish his services with the Tamil Nadu Electricity Board, along with a copy of this order, to enable the 2nd respondent to consider their case with reference to the terms and conditions for conferring permanent status.

5. Accordingly, the Writ petition stands Disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1) The Superintending Engineer,
TANGEDCO,
Dharmapuri.
- 2) The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai 600 002
- 3) The Inspector of Labour,
Labour Department,
Krishnagiri.

+1cc to Mr.E.Elamurugan, Advocate, S.R.No.67659

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.67700

W.P.No.16459 of 2017

KSM(CO)
PM/06/01/2022