



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.20584 of 2016

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S.Vasimalai

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation,
represented by its Chairman,
No.144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personnel),
TANGEDCO,
Anna Salai,
Chennai.

3.The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO,
Theni.

... Respondents

Prayer: Writ Petition is 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 Inspector of Labour, Theni in Rc.No.A/2992/2004, dated 14.10.2005 and as confirmed by this Court in a batch of writ petitions in W.P.(MD)Nos.7977 and 7978 of 2006, dated 11.09.2007 and pay all monetary benefits, within a reasonable time.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.Ananth Gopalan
for M/s.T.S.Gopalan&Co.,
Standing counsel



O R D E R

This writ petition has been filed for a direction to the respondents 1 to 3 to absorb the petitioner in the third respondent establishment, as per the proceedings of the Inspector of Labour, Theni in Rc.No.A/2992/2004, dated 14.10.2005 and as confirmed by this Court in a batch of writ petitions in W.P.(MD)Nos.7977 and 7978 of 2006, dated 11.09.2007 and to pay all monetary benefits.

2. The case of the petitioner is that the petitioner was employed as contract labourer in the year 1995, for the regular work of digging, poles erection, stretching wires, transformer erection work, cutting trees, loading and unloading of electrical goods, street light erection and maintenance work etc. There are several contract labourers were engaged for similar works on regular basis. Some of the workers were absorbed into regular work. The petitioner has completed more than 480 days of continuous work in 24 calendar months. Thereafter, the petitioner and other contract labourers raised an industrial dispute under Section 3(1)(c) of the Tamil Nadu Industrial Establishments Conferment of Permanent Status to Workmen Act, 1981. The Inspector of Labour, Theni, after detailed enquiry, by proceedings dated 14.10.2005, held that the applicants are direct workers and they have completed 480 days within a continuous period of 24 calendar months and directed absorption by granting permanent status. The said proceedings, dated 14.10.2005 was challenged by the respondents in W.P.Nos.3370 to 3377 of 2002 and the same was dismissed. Hence, there is no legal impediment to absorb the petitioner into regular work. Even then the respondents have not granted permanent status to the petitioner. Hence, the petitioner has made a representation to the third respondent, on 15.08.2016. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the Inspector of Labour has passed an award in favour of the petitioner and the same was also confirmed by this Court in W.P.Nos.3370 to 3377 of 2002. However, the petitioner was not absorbed into regular work.

4. The learned Standing counsel appearing for the respondents has no serious objection for considering the petitioner's representation, dated 15.08.2016.

5. It appears that the petitioner has raised an industrial dispute before the Inspector of Labour, Theni and the same was ended in favour of the petitioner and this Court has also confirmed the same in W.P.Nos.3370 to 3377 of 2002. Hence, this Court directs the respondents to consider the petitioner's representation dated 15.08.2016 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.Tamil Nadu Generation and Distribution Corporation,
represented by its Chairman,
No.144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personnel),
TANGEDCO,
Anna Salai,
Chennai.

3.The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO,
Theni.

+1 CC to M/s.K.APPADURAI, Advocate (SR-7627[F] dated 26/02/2021)

+1 CC to M/s.P.MALINI, Advocate (SR-7876[F] dated 01/03/2021)

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