



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.17750 of 2010

Tamil Nadu Electricity Board Accounts and
Executive Staff Employees Union
Rep. by its General Secretary
Registration No.2472
No.29, Meeransahib Street
Anna Salai, Chennai 600 002.

.. Petitioner

Vs.

1. Tamil Nadu Electricity Board
Rep. by its chairman
No.800, Anna Salai, Chennai 600 002.
2. The Chief Enginner (Personnel)
Tamil Nadu Electricity Board
No.800, Anna Salai, Chennai 600 002.
3. Chief Financial Controller/Revenue
Tamil Nadu Electricity Board
No.800, Anna Salai, Chennai 600 002.
4. Superintending Engineer
Tamil Nadu Electricity Board
Pudukottai electricity Distribution Circle
Pudukottai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Declaration, declaring the action of the respondents in not issuing work allocations to the members of the petitioner union in terms of the settlement dated 18.11.2009 under Section 12 (3) of the Industrial Disputes Act, 1947 and not filling up all the vacant posts which remain vacant consequent to abolishing various posts as illegal, arbitrary and consequently direct the respondents to fill up the posts which are created in th settlement dated 18.11.2009 entered under Section 12 (3) of the Industrial Disputes Act, 1947 duly supplying computers and printers to all the Accounts Supervisors in all the Revenue Branch in order to implement the increased work norms.



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For the Petitioner : Mr.Balan Haridas
For the Respondents : Mr.P.Subramaniam
For respondents 1 to 4

ORDER

This writ petition has been filed by the petitioner Union to declare the action of the respondents in not issuing the work allocation to the members of the petitioner Union in terms of the Settlement dated 18.11.2009 under Section 12(3) of the Industrial Disputes Act, 1947 and not filling up the vacant posts which remain vacant as illegal and arbitrary.

2. As a matter of fact, learned counsel for the petitioner would submit that after entering into such a Settlement under Section 12(3) of the Act where under ten thousand service connections was fixed as norms, the respondent Board passed a contrary order dated 24.10.2010. Therefore, the petitioner Union had earlier filed WP No.7124 of 2010 and when the said writ petition came up for hearing, it was represented on behalf of the respondents that they have withdrawn the said order and recording the same, the writ petition was closed.

3. Today when the matter was taken up for hearing, it was represented by learned counsel for the respondents that even though this writ petition is for enforcement of the Settlement under Section 12(3) of the Act dated 12.11.2009, the said Settlement is superseded by another Settlement under Section 12(3) of the Act dated 09.01.2014, under which, revised norms were fixed and Board Proceedings dated 11.01.2014 were also issued, pursuant to which, it was in force up to 13.11.2015. Thereafter, yet another Settlement under Section 12(3) of the Act was entered into on 14.02.2016 and the same is in force and therefore, the prayer of the petitioner Union to enforce the erstwhile settlement dated 18.11.2009 would not survive.

4. The above said submissions of learned counsel for the respondents are placed on record and accordingly, this writ petition is closed as infructuous.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chairman
Tamil Nadu Electricity Board
No.800, Anna Salai, Chennai 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board
No.800, Anna Salai, Chennai 600 002.
3. The Chief Financial Controller/Revenue
Tamil Nadu Electricity Board
No.800, Anna Salai, Chennai 600 002.
4. The Superintending Engineer
Tamil Nadu Electricity Board
Pudukottai electricity Distribution Circle, Pudukottai.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.25632

W.P.No.17750 of 2010

SKM(CO)
SB(02/05/2022)