



W.P.No.21286 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21286 of 2016

- 1.Raja
- 2.S.Pushpanathan
- 3.N.Asaithambi
- 4.V.Ravanan
- 5.R.Thirunavukarasu
- 6.A.Gopalakrishnan
- 7.V.Mahalingam

... Petitioners

Vs.

- 1.The Superintending Engineer,
T.N.E.B. now TANGEDCO
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai – 606 604.
- 2.The Chief Engineer (Personnel)
TANGEDCO,
No.114, Anna Salai,
Chennai – 600 002.
- 3.The Inspector of Labour,
Thiruvannamalai.

... Respondents



W.P.No.21286 of 2016

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to pass appropriate orders conferring permanent status to the petitioners as per the proceedings of the 3rd respondent dated 30.08.2004 made in Na.Ka.E/5377/03 with all attendant and consequential benefits.

For Petitioners	: Mr.Y.Ramanaiah
For R1 & R2	: Mr.Leeban For M/s.T.S.Gopalan & Co.
For R3	: Mr.G.Nanmaran Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to pass appropriate orders conferring permanent status to the writ petitioners as per the proceedings of the Inspector of Labour, Thiruvannamalai dated 30.08.2004 under the provisions of the Conferment of Permanent Status Act.

2. The learned counsel for the petitioners states that the petitioners had served more than 480 days in two consecutive years and therefore, they are



W.P.No.21286 of 2016

eligible for permanent absorption in Boards Services. The petitioners along with other persons filed petitions before the Inspector of Labour, Thiruvannamalai, who in turn granted permanent status in proceedings dated 30.08.2014. However, the said order has not been implemented by the respondents 1 and 2 and in this regard, the petitioner submitted a representation to grant permanent status. The said representation was not considered. Thus, the petitioners are constrained to move the present writ petition.

3. The leaned counsel for the respondents 1 and 2 made a submission that the Division Bench of this Court recently set aside the orders passed by the Inspector of Labour under the provisions of the Conferment of Permanent Status Act, on that ground that such orders were passed without adjudicating the disputed facts arouse between the parties.

4. As far as the order passed by the Inspector of Labour in the case of the petitioners are concerned, the said order was also quashed by this Court and the respondent Board was directed to consider the case of the writ petitioners based on the 12(3) Settlement entered into between the Board and



W.P.No.21286 of 2016

the Labours Union. As per the said Settlement, the cases of the petitioners were considered and the Board found that they are not eligible for permanent absorption.

5. This being the factum, High Court cannot issue any direction to grant permanent status to the writ petitioners in the absence of adjudication of disputed issues between the parties. In the present case, the award of the Inspector of Labour issued in favour of the writ petitioner was set aside by the Division Bench of this Court and under these circumstances, the petitioners are not entitled for the relief of permanent absorption.

6. Moreover, the petitioners have served as a contract labourer and they were appointed by the private contractors and all the eligible contract labourers served during the relevant point of time were granted the benefit of permanent absorption pursuant to the recommendation of the 12(3) Settlement and now at this length of time the relief as such sought for cannot be considered.



W.P.No.21286 of 2016

7. Accordingly, the Writ Petition stands dismissed. No costs.

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09.11.2022

Jeni

Index : Yes

Speaking order

To

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W.P.No.21286 of 2016

S.M.SUBRAMANIAM, J.

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W.P.No.21286 of 2016

09.11.2022