



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.NOS.2252, 2254, 2260, 2274, 2253, 2268, 2271,
2257, 2256 & 2276 OF 2021

W.A.No.2252 of 2021

A.RAVI

.. APPELLANT IN WA NO.2252 OF 2021

A. ANANDAN

.. APPELLANT IN WA NO.2254 OF 2021

D.RAJASEKAR

D.CHANDRAMOHAN

... APPELLANTS IN WA No.2260 of 2021

R.SURESH

A.GUNASEKAR

S.MANIVANNAN

... APPELLANTS in WA No.2274 of 2021

K.JAYAMURTHY

M.SUGUMARAN

... APPELLANTS in WA No.2253 of 2021

R.D.MURUGAN

M.SIVAKUMAR

A.KARTHIKEYAN

... APPELLANTS in WA No.2268 of 2021

T.DHAKSHINAMURTHY

... APPELLANT in WA No.2271 of 2021



WEB COPY



WEB COPY

- (i) E/5529/06 dated 20.04.2007 (in W.P.No.21853 of 2011)
- (ii) E/1015/06 dated 28.06.2007 (in W.P.No.18553 of 2011)
- (iii) E/2535/05 dated 20.04.2007 (in W.P.No.27578 of 2011)
- (iv) E/5529/05 dated 20.04.2007 (in W.P.No.18910 of 2011)
- (v) E/6532/06 dated 28.06.2007 (in W.P.No.735 of 2017)
- (vi) E/1015/06 dated 28.06.2007 (in W.P.No.20690 of 2011)
- (vii) E/6532/06 dated 28.06.2007 (in W.P.No.28778 of 2011)
- (viii) E/5529/05 dated 20.04.2007 (in W.P.No.17133 of 2014)
- (ix) E/6532/06 dated 28.06.2007 (in W.P.No.18543 of 2011)
- (x) E/5529/05 dated 20.04.2007 (in W.P.No.27683 of 2014)

respectively under the provisions of the Tamilnadu Industrial Establishments (Conferment of Permanent status to workmen) Act 1981 and thereby direct the respondents 1 to 3 to absorb the petitioner in the 1st respondent Corporation as permanent employee.

For the Appellant : Mr.N.Suresh
in all.

For Respondents : Mr.Anand Gopalan
For M/s. T.S.Gopalan & Co.
Standing Counsel
in all

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

By these writ appeals, a challenge is made to the common order dated 07.11.2019, wherein, the prayer made in the writ petitions preferred by the appellants was rejected.

2. The writ petitions were filed seeking a direction to the respondents 1 to 3 to implement the orders of the Labour Inspector passed under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.



3. The orders passed by the Labour Inspector were challenged by the respondent Corporation remain unsuccessful. The further challenge to the Apex Court was also unsuccessful. However, the Apex Court, while confirming the order of the Labour Inspector, made it clear that the same would not affect the criminal proceedings, if it is to be initiated by the respondent Corporation against the fraudulent documents submitted by some of the workmen.

4. The appellants/writ petitioners were expecting compliance of the orders of the Labour Inspector, which were confirmed by the Apex Court, by the respondent Corporation. Since the respondent Corporation has not complied with the same, the appellants/writ petitioners filed the writ petitions.

5. The learned Single Judge disposed of the writ petitions, holding that fresh writ petitions seeking a direction to implement the order of the Labour Inspector were not maintainable on the ground that the orders of the Labour Inspector were confirmed by the Apex Court, leaving it open to the writ petitioners to work out their remedy in accordance with law, without referring to any of the provision under which the execution of the order can be made.

6. It is not a case where the appellants earlier preferred writ petitions seeking execution of the order passed by the Labour Inspector. Rather, for the first time, they filed the writ petitions seeking to implement the order of the Labour Inspector and an order was passed by this Court for implementation. Thus, even the set of employees who had earlier preferred writ petitions seeking compliance of the direction thereupon, would not have taken note of the fact that they have other remedies, which may include contempt proceedings.

7. In view of the above, we do not find any ground on which the writ petitions were held to be unsustainable.

8. Learned Standing Counsel appearing for the Electricity Board submitted that while giving a direction to implement the order of the Labour Inspector, it may be clarified that if any of the writ petitioners/employees is not serving in the respondent Corporation presently or from any given date, the benefit of conferment status would not be admissible for the said period. The aforesaid aspect is required to be taken note of.

9. In view of the above, while setting aside the order passed by the learned Single Judge and allowing the writ appeals, the respondent Corporation is directed to implement the order passed by the Labour Inspector, within six months from the



date of receipt of a copy of this order. However, the benefit of conferment status would be admissible to the appellants/writ petitioners only for the period they have served in the respondent Corporation and not for the period during which they were not serving the respondent Corporation. To make it clear, if any of the appellants/writ petitioners was either discontinued from the contract or terminated, the benefit arising out of the order of the Labour Inspector would be only for the period of service and not after their discontinuance or termination, for which, the appellants/writ petitioners would be at liberty to take recourse as available to them, if they are so interested.

In the result, the writ appeals are allowed. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Chairman
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.
No.144, Anna Salai, Chennai 2.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.
No.144, Anna Salai, Chennai 2.
3. The Superintending Engineer
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.
Cuddalore.
4. The Inspector of Labour, Cuddalore.

+1cc to Mr.N.Suresh, Advocate, S.R.No.11951

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.11724

W.A.Nos.2252, 2254, 2260, 2274, 2253,
2268, 2271, 2257, 2256 & 2276 of 2021

NRL (CO)
PM/08/03/2022