



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4777 of 2017
and
W.M.P. No. 5017 of 2017

1. M.Vignesh
2. G.Sathyiandren
3. L.Rubini
4. R.Suganthi ...Petitioners

-vs-

- 1.North Chennai Thermal Power Station,
Rep. By its Superintending Engineer (Operation),
Tamilnadu Generation and Distribution Corporation Ltd.,
Chennai - 600 120.
- 2.The Joint Director of Industrial Safety and Health/
Authority under the Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workmen) Act, 1981,
No. 15, State Bank Colony,
2nd Street, Thiruvotriyur,
Chennai - 600 019. ...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to a common order dated 05.01.2017 passed by the Second Respondent in Application No. 1279 of 2011, quash the same and consequently direct the First Respondent to confer the Petitioners permanent status from the date of completion of 480 days in 24 calendar months from the date of our initial employment with arrears and other consequential benefits, award costs.

For Petitioners : Mr. V.Ajoy Khose

For Respondents : Mr. P.Subramanian,
Standing Counsel (for R1)

Mrs. C.Sangamithirai,
Special Government Pleader (for R2)



O R D E R

Heard Mr. V.Ajoy Khose, Learned Counsel for the Petitioners, Mr. P.Subramanian, Learned Standing Counsel appearing for the First Respondent and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners had sought for conferment of permanent status for their employment with Tamil Nadu Generation and Distribution Corporation Limited (hereinafter referred to as 'TANGEDCO' for short) in terms of the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as 'the Conferment of Permanent Status Act' for short) in Application No. 1279 of 2016 before the Second Respondent, which was rejected by order dated 05.01.2017 and has been challenged in this Writ Petition.

3. It is informed that the Petitioners have thereafter raised industrial disputes in I.D. Nos. 233 and 234 of 2017 under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the ID Act' for short) before the III Additional Labour Court, Chennai (hereinafter referred to as 'the Labour Court' for short) relating to their non-employment by the First Respondent, which is now pending. Learned Counsel for the Petitioners submits that though the relief sought from the Second Respondent does not exist on date in view of the subsequent events, the observations made for denial of relief in the impugned order causes prejudice to the rights of the Petitioners while deciding the industrial dispute before the Labour Court. In such circumstances, he pleads that the impugned order dated 05.01.2017 in Application No. 1279 of 2011 passed by the Second Respondent may set aside and the same shall be treated as closed with a clarification that the Labour Court while deciding the industrial disputes in I.D. Nos. 233 and 234 of 2017 shall not be inhibited or influenced by the impugned order passed by the Second Respondent. He has made an endorsement to that effect in the court record.

In view of the same, the impugned order is set aside on the aforesaid terms and the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

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To

- 1.The Superintending Engineer (Operation),
North Chennai Thermal Power Station,
Tamilnadu Generation and Distribution Corporation Ltd.,
Chennai - 600 120.
- 2.The Joint Director of Industrial Safety and Health/
Authority under the Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workmen) Act, 1981,
No. 15, State Bank Colony,
2nd Street, Thiruvotriyur,
Chennai - 600 019.

+1cc to Mr.P.Subramanian, Advocate SR. No.13647

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GPL (CO)
PR (13/04/2022)