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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

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

W.P.NO.31216 OF 2017

S.Selvaraj Asirvatham

... Petitioner

.Vs.

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
TANGEDCO,
No.800, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Chennai EDC/West,
Thirumangalam Sub Station Complex,
TANGEDCO, Anna Nagar,
Chennai - 600 040.
4. The Superintending Engineer,
Chennai EDC/Central,
Valluvarkottam Sub Station Complex,
TANGEDCO,
Chennai - 600 034.
5. The Superintending Engineer,
Chennai EDC/South,
K.K.Nagar Sub Station Complex,
TANGEDCO, K.K.Nagar,
Chennai - 600 078.
6. The Superintending Engineer,
Chennai EDC/North,
No.791, TANGEDCO Complex,
TANGEDCO,
Chennai - 600 002.



7. The Chief Engineer,
Ennore Thermal Power Station,
TANGEDCO, Ennore,
Chennai - 600 057.

... Respondents

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PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents herein to permit the Petitioner to appear before the Committee of the Respondent for the purpose of identifying the Petitioner and verifying his certificates for the purpose of complying with the orders passed by the Inspector of Labour dated 10.07.2000 passed in Petition No.E/4804/7999 and orders passed by this Court in W.P.No.12960 of 2009 dated 08.09.2009.

For Petitioner : Mr.V.Premkumar

For Respondents : Mr.Anand Gopalan
For M/s.T.S.Gopalan & Co.
(for R1 to R6)

No appearance
(for R7)

O R D E R

Heard Mr.V.Premkumar, Learned Counsel for the Petitioner and Mr.Anand Gopalan, Learned Counsel for the First to Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who has obtained an order dated 10.07.2000 in C.P.No.4804 of 1999 from the Inspector of Labour - II Circle, Chennai granting the benefit for permanent status to him in the South Electricity Distribution Circle of Tamil Nadu Electricity Board (hereinafter referred to as 'TNEB' for short and now renamed as 'TANGEDCO') under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as the 'Act' for short), seeks directions to the Respondents to implement the same in this Writ Petition.

3. At this juncture, it must be recalled that the Division Bench of this Court in Superintendent Engineer, Nagapattinam -vs- Inspector of Labour [(2009) 4 MLJ 472] has earlier considered the claims made by similarly placed persons for



absorption in TNEB and has ruled that the same would have to be determined only on the basis of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P. (FB) No. 44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of Tamil Nadu Generation and Distribution Corporation Limited (hereinafter referred to as 'TANGEDCO' for short). In a number of subsequent cases that have followed, this Court had reiterated that legal position.

4. In that view of the matter, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the concerned authority of TANGEDCO to examine the claim of the Petitioner for absorption in service in terms of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P.(FB)No.44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of TANGEDCO, in the following manner:-

- (i) the Petitioner shall submit his application to the Superintending Engineer (South), TANGEDCO, Chennai along with a copy of the same to the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Eighth Floor, Eastern Wing, NPKRR Maligai, 144, Anna Salai, Chennai - 600 002 supported by relevant documents to substantiate his claim for absorption in service, on or before 31.07.2022;
- (ii) if the concerned authority after the scrutiny of the application is not satisfied with the prescribed requirements or eligibility criteria for extending that benefit to the Petitioner, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 15 clear working days that may be granted for that purpose.
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (iv) the report of compliance shall be filed by 30.09.2022 before the Registrar (Judicial) of this Court.



The Writ Petition is disposed on the aforesaid terms. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
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7. The Chief Engineer,
Ennore Thermal Power Station,
TANGEDCO, Ennore,
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Copy To:-

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.V.Premkumar, Advocate, S.R.No.16144

W.P.NO.31216 OF 2017

SJ(CO)
PBS/31/05/2022