



W.P. Nos.16030 of 2017 and 24241 of 2016

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MOHAMMED SHAFFIQ, J.

Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioners that vide a common order dated 30.09.2022, the two writ petitions were disposed of remitting the matter back to the Tribunal. In this regard, it is submitted by the learned counsel for the petitioners that the order does not expressly state that the order of the Tribunal is set aside and also seeks clarification that they may be permitted to adduce additional evidence/ documents in support of their claim. To which, the learned counsel for the Respondents did not seriously object.

3. Heard both sides.

4. In view of the said submission made by the learned counsel for the petitioners, paragraph 13 of the order in W.P.Nos.16030 of 2017 and 24241 of 2016 dated 30.09.2022, is substituted with the following paragraph:

“In the circumstances, this Court is inclined to set-aside the impugned order of the Tribunal and to remit the matter back to the Tribunal for finding whether the workmen satisfied the criteria of



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being in continuous service for more than 480 days in 24 calendar months. The workmen may submit additional documents/ evidence, if any, in support of their claim. If the Tribunal does arrive at the conclusion either on the basis of the additional evidence and additional documents submitted or by drawing adverse inference that the workmen satisfies the criteria, the Tribunal would then require the Board to undertake the exercise of finding if the workmen could have been absorbed as helpers in the nearby Distribution Circles if adequate posts either sanctioned on a regular basis or supernumerary posts are not available at ETPS. Since the matter is pending for a long time, the Tribunal shall endeavour to complete the proceedings at the earliest, however, in view of the above clarification, the direction to dispose of the proceedings shall be from the date of the above modification.”

4. Except the above modification, all other paragraphs made in the earlier order dated 30.09.2022 shall remain intact. Registry is directed to carry out necessary corrections and issue the corrected order copy to the parties forthwith.

23.01.2023

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