



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

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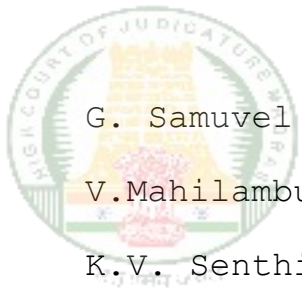
W.P. (MD) Nos.26223, 25766 to 25773, 25776 to 25779 and
25782 to 25784 of 2019
and
W.M.P (MD) No.22648 of 2019
in W.P (MD) No.26223 of 2019

1.The Superintending Engineer,
Madurai Metro Electricity Distribution Circle,
Tamil Nadu Electricity Board - now know as
Tamil Nadu Electricity Generation and Distribution
Corporation Ltd.,
Madurai.

2.Assistant Engineer,
Metro North, Arasaradi
Vilangudi, Arasamaram,
Munichali, Kizhalvasal,
Sellur, Koil,
Electricity Distribution Section,
Tamil Nadu Electricity Board now known as
Tamil Nadu Electricity Generation and Distribution
Corporation Ltd.,
Madurai Metro, Madurai District.

... Petitioners in W.P (MD) No.26223 of 2019

R. Rajendra Kumar	...Petitioner in WP (MD) No.25766/2019
R. Prabakaran	...Petitioner in WP (MD) No.25767/2019
V.Manikandan	...Petitioner in WP (MD) No.25768/2019
P. Thangapandi	...Petitioner in WP (MD) No.25769/2019
M.Vasanth	...Petitioner in WP (MD) No.25770/2019
M.Venkateswaran	...Petitioner in WP (MD) No.25771/2019
M.Rajesh Kanna	...Petitioner in WP (MD) No.25772/2019
B. Murugapandian	...Petitioner in WP (MD) No.25773/2019
M.Chinnathambi	...Petitioner in WP (MD) No.25776/2019



G. Samuvel Edison	...Petitioner in WP(MD)No.25777/2019
V.Mahilambu Raja	...Petitioner in WP(MD)No.25778/2019
K.V. Senthil Kumar	...Petitioner in WP(MD)No.25779/2019
P. Lenin Kannan	...Petitioner in WP(MD)No.25782/2019
T. Shanmuganathan	...Petitioner in WP(MD)No.25783/2019
M.Muthu Manikam	...Petitioner in WP(MD)No.25784/2019

Vs.

1.The Inspector of Labour,
(Assistant Commissioner)
O/o.The Inspector of Labour,
TNEB Office, First Floor,
Ellis Nagar, Madurai Main Road,
Madurai District-625 001.

2.R.Rajendra Kumar
S/o.E.Ramachandran,
13-11/53, Bharathiar Main Road,
Vilangudi, Madurai 625 018

3.T.Shanmuganathan

4.V.Manikandan

5.M.Rajesh Kanna

6.KV Senthilkumar

7.M.Chinnathambi

8.M.Vasanth

9.P.Murugapandian

10.P.Thangapandi

11.V.Mahizhampoo Raja

12.P.Leninkannan

13.M.Muthumanickam

14.M.Venkateshwaran

15.R.Prabhakaran

16.G.Samuel Edison ... Respondents in W.P(MD)No.26223 of 2019

1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer/Personal,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,



3.The Superintending Engineer, (Madurai Metro EDC),
TANGEDCO,

K. Pudur, Madurai.

Madurai District-625 007.

..Respondents in all WP(MD)

No.25766 to 25773, 25776 to 25779

& 25782 to 25784 of 2019

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PRAYER in W.P(MD)No.26223 of 2019: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent in CPS Nos.54, 47, 50, 53, 78, 61, 75, 77, 64, 58, 65, 66, 68 and 59 of 2011 and 99/2012 and quash its order dated 03.10.2019.

COMMON PRAYER in WP(MD)No.25766 to 25773, 25776 to 25779 & 25782 to 25784 of 2019:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other order or Direction in the nature of Writ directing the Respondents to implement the order passed by the Inspector of Labour (Assistant Commissioner), Madurai District dated 03.10.2019 within the time stipulated by this Honourable Court.

For Petitioner
in W.P.26223/19

: Mr.Anand Gopalan for
Mr.T.S.Gopalan and Co.,

For R1
in W.P.26223/19

: Mr.AK.Manikkam,
Special Government Pleader

For R2 to R16
in W.P.26223/19

: Mr.S.Louis

For Petitioner
in WP(MD)No.25766 to 25773,
25776 to 25779 &
25782 to 25784 of 2019

: Mr.S.Louis

For Respondents
in WP(MD)No.25766 to 25773,
25776 to 25779 &
25782 to 25784 of 2019

: Mr.Anand Gopalan for
Mr.T.S.Gopalan and Co.,



COMMON ORDER

The order passed by the Inspector of Labour, Madurai, under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, is under challenge in the present writ petitions.

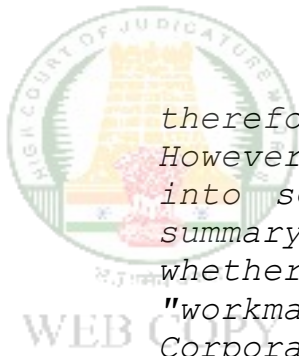
2.TANGEDCO is the petitioner filed these writ petitions questioning the validity of the award passed by the Inspector of Labour, Madurai, under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (hereinafter referred to as 'the Act'). Several grounds raised including the maintainability of the petitions before the Inspector of Labour, Madurai, under the Act. As the TANGEDCO is the Government of Tamil Nadu undertaking and the special rules are applicable to the employees of the TANGEDCO. When the Special Rules are in force, general Act cannot be applied. Therefore, the application itself has been questioned by the TANGEDCO in all the writ petitions.

3.Similar writ petitions were filed before the Division Bench and the Hon'ble Division Bench has decided those writ petitions in the case of **Superintending Engineer, Erode Electricity Distribution Circle, Tamil Nadu Electricity Board-vs-Inspector of Labour and others**, reported in **(2022) SCC Online Mad 1003**. The Hon'ble Division Bench of this Court passed the following orders:

"34. We have considered the submission aforesaid and find that the order passed by the Labour Inspector needs to be interfered with remand of the case. It is, however, to be made clear that the Labour Inspector would not cause enquiry beyond the powers given under the Act of 1981 and thereby would not be having jurisdiction to adjudicate the complicated questions of fact and law in reference to any other statute than the Act of 1981. The Labour Inspector may, for the purpose of conducting summary enquiry, allow the parties to produce documents and if any of the workmen has completed 480 days of continuous service in 24 calendar months, appropriate directions can be issued for granting permanency. However, even if such an order is issued, it should be with a clear finding about each workman and the number of working days by referring to the period of 24 calendar months. The benefit as to the consequences thereupon would be only for the period of employment and if any of the workman is discontinued or not in service, he would be entitled to the benefit only for the period of service and not beyond that and, that too, after the completion of continuous service of 480 days in 24 calendar months, and not for a prior period. The direction aforesaid is not driven by the settlement for the reason that the workmen herein are

<https://hcservices.hcscs.gov.in/hcservices>

are not extended the benefit of settlement and,



therefore, sought claims by maintaining claim separately. However, it would not preclude both the sides from entering into settlement, if they so choose, during the period of summary enquiry by the Labour Inspector. The issue as to whether the respondents fall within the definition of "workman" is however decided against the petitioner Corporation, as not only a settlement was entered, but adjudication about claim to seek permanency has been decided earlier in reference to similarly placed.

35. With the aforesaid directions, all the writ petitions are disposed of by causing interference with the order passed by the Labour Inspector. The orders passed by the Labour Inspector are set aside with remand of the case to the Labour Inspector for passing orders afresh, after summary enquiry.

36. There will be no order as to costs. Consequently, all miscellaneous petitions are closed.

4. In view of the order of the Hon'ble Division Bench cited supra, the matters are to be remanded back to the Inspector of Labour, Madurai, for fresh consideration. Accordingly, the order impugned passed by the first respondent, dated 03.10.2019 are quashed and the matters are remanded back to the Inspector of Labour, Madurai, for fresh consideration on merits and in accordance with law.

5. With these observations, these Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The Inspector of Labour,
Assistant Commissioner)
O/o. The Inspector of Labour,
TNEB Office, First Floor,
Ellis Nagar, Madurai Main Road,
Madurai District-625 001.

2. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Chief Engineer/Personal,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

4. The Superintending Engineer, (Madurai Metro EDC),
TANGEDCO,
K. Pudur, Madurai.
Madurai District-625 007.

+1 CC to M/s.T.S. GOPALAN & CO, Advocate (SR-20185[F] dated
21/04/2022)

+1 CC to M/s.S. LOUIS, Advocate (SR-20251[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP. (SR-20446[F] dated 22/04/2022)

W.P. (MD) Nos.26223, 25766 to 25773,
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and
W.M.P (MD) No.22648 of 2019
in
W.P (MD) No.26223 of 2019
20.04.2022

sb (CO)
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