



WEB COPY



W.P.No.33579 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33579 of 2006

1. Junior Engineer,
Tamilnadu Electricity Board,
O&M / Tharamangalam.
2. Assistant Executive Engineer,
Tamilnadu Electricity Board,
O&M / Tharamangalam.
3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam – 1.

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department,
Fort St.George, Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Rep. by its Secretary to Labour and,
Employment Department,
Fort St.George, Chennai – 600 009.
- 3.The Inspector of Labour,
Salem.
- 4.A.Karthikeyan
- 5.C.Srinivasan

Page No.1 of 5



W.P.No.33579 of 2006

6.M.Arthanareeswaran

7.S.P.Karthikeyan

8.N.Sekar

9.K.Saravanan

10.P.M.Manickavasagam

11.P.Kannan

... Respondents

(Respondent 4 to 11 are represented by Mr.A.Karthikeyan & others)

PRAYER: Writ Petition has been filed for issuance of Writ of Certiorari calling for the records of the third respondent relating to his Award, dated 29.11.2004 and made in Na.Ka.No.1881/2004 and quash the same.

For Petitioner : Mr.S.Haroon,
for M/s.T.S.Gopalan & Co.

For Respondents 1 to 3 : Mr.S.Ravikumar,
Special Government Pleader

ORDER

The writ petition has been filed to call for the records of the third respondent relating to his Award, dated 29.11.2004 and made in Na.Ka.No.1881/2004 and quash the same.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that all the respondents were absorbed by the petitioner Board except the 7th respondent herein who was neither qualified as per the



guidelines prescribed nor his whereabouts are known and a memo to that effect is also filed by the learned counsel for the petitioner. The memo reads as under:-

“1. The petitioner states that the writ petition is filed challenging the order of the 3rd respondent granting permanency to the contract workmen engaged by the Board. During the pendency of the writ petition, Board entered into a Sec 12(3)-settlement dated 10.08.2007 and also issued various proceedings prescribing guidelines for the absorption of contract workmen. Such of those contract workmen who have fulfilled the conditions stipulated in the Board proceedings have been absorbed. As far as the contesting respondents in the writ petition are concerned the Board has absorbed all the respondents except respondent No.7 who was neither qualified as per the guidelines prescribed nor his whereabouts are known.

2. In the aforesaid circumstances, in view of the absorption granted to the contesting respondents who have also accepted to be absorbed with effect from the date of absorption (viz 09.11.2012), no further adjudication is required in the writ petition. Further, in the light of absorption granted to the respondents, the impugned order assailed in the writ petition has become academic and deserves to be set aside. As per the Division Bench Judgment dated 24.10.2008 any order of the Authority under the Conferment of Permanent Status Act would be subject to the Sec 12 (3) – settlement dated 10.08.2007 as observed in the operative portion of the Division Bench Order. Hence the order impugned in the Writ Petition is only subject to the Division Bench order and contesting respondents were granted relief only in terms of the said order and Board proceedings.



W.P.No.33579 of 2006

WEB COPY

3. It is therefore prayed that this Hon'ble Court may be pleased to receive and record this Memo and dispose the Writ Petition and thus render justice”.

3. The learned counsel for the petitioner cited the Division Bench judgment of this Court dated 24.10.2008 in the memo in the case of ***The Superintending Engineer, Nagapattinam Electricity Distribution Circle, TNEB, Nagapattinam & another Vs The Inspector of Labour, Pedari Kovil Street, Thiruvarur & another*** dated 24.10.2008 and the relevant portion of the judgment is extracted as below:-

“The claims of persons before the Labour Inspectors which have been allowed and who have come before this Court seeking for issue a mandamus for enforcement will now be considered under the 18 (1) settlement. The writ petitions filed by the Electricity Board challenging the orders of the Labour Inspectors will now be dismissed as infructuous having regard to the 18 (1) settlement”.

4. The memo dated 07.03.2023 is taken on record and the writ petition stands disposed of in terms of the memo. The memo dated 07.03.2023 shall form part of the order. No costs.

07.03.2023

dpq
Index : Yes/No
Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

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