



W.P.No.24945 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.24945 of 2005
and W.P.M.P.No.27325 of 2005

The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri – 636 705.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department, Chennai – 9.
- 2.The Government of Tamil Nadu,
Rep. by its Secretary to Labour and
Employment Department, Chennai – 9.
- 3.The Inspector of Labour,
Krishnagiri.
- 4.A.Murugesan
- 5.P.Murugan
- 6.V.Sivan
- 7.G.Krishnan
- 8.S.Raghunathan



W.P.No.24945 of 2005

9.T.Vediyappan

10.P.Prakash

11.R.Rajendiran

12.R.Vasudevan

13.A.Annadurai

14.R.Ravi

15.R.Chinnasamy

16.M.Madhiyan

17.S.Chandirasekar

18.G.Arivarasan

19.A.Shankar

20.K.Subramani

21.M.Sakkarai

22.C.Perumal

23.K.Chennaiyan

24.P.Duraisamy

25.R.Rajendiran

26.A.Kanagasivam

27.K.Chinnasamy

28.J.Sankarappa

29.C.Nanjundaiya

30.A.Risvan

31.M.Narasimmaiah

32.C.Kannaiyan

33.C.Lakshmanan

Page No.2 of 7



W.P.No.24945 of 2005

34.M.Puttappa

35.T.Sakthivel

36.G.Munusamy

37.D.Manivelan

38.S.Sekar

39.C.Arumugam

40.P.Sekar

41.A.Alagarasan

... Respondents

(Respondents 4 to 41 rep. by Thiru.S.Gokuldass, System Secretary, Tamil Nadu Minvariaya Uzalipalargal Sangam, Registered No.1200/TRY.62-J, Arumuga Achari Street, Dharmapuri – 636 701.)

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the third respondent relating to his proceedings made in Petition No.A/1358/2005, dated 25.04.2005 and quash the same.

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

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

ORDER

The petitioner has filed this writ petition seeking to call for the records of the third respondent relating to his proceedings made in Petition



W.P.No.24945 of 2005

No.A/1358/2005, dated 25.04.2005 and quash the same.

WEB COPY

2. When the matter was taken up for hearing, learned counsel for the petitioner filed a memo dated 17.06.2023 stating that out of 38 workmen, 20 workmen have satisfied the eligibility criteria prescribed under Section 12(3) settlement and they were absorbed between 2005 and 2020. In regard to remaining 18 workmen, the petitioner is unable to ascertain whether they were eligible to be absorbed. It is pertinent to extract the relevant portions of the said memo dated 17.06.2023 and same reads as follows:

“1.The above writ petition has been filed challenging the order of 3rd respondent granting permanency in respect of respondents 4 to 41. By order dated 28.04.1998, the Division Bench of this Hon'ble Court upheld the Section 12(3) settlement dated 10.08.2007 signed between the Board and the Union whereby conditions were stipulated for absorption of contract workmen. The Division Bench also held in the said Judgement that any absorption of contract workmen in the service of the Board would be subject to the Section 12(3) settlement. In the present writ petition respondents 4, 5, 6, 7, 9, 10, 11, 12, 15, 20, 21, 22, 24, 25, 27, 36, 38, 39, 40 and 41 satisfied the eligibility criteria prescribed under the Section 12(3) settlement and they were absorbed between 2005 and 2020. As far as the other respondents are concerned the petitioner is unable to ascertain



WEB COPY



W.P.No.24945 of 2005

whether the said respondents were found to be eligible and whether absorbed. However, in the light of the recent Division Bench Judgment the 3rd respondent has no power to adjudicate any question in respect of contract workmen as such the order challenged in the present writ petition deserves to be set aside.

2. In the aforesaid circumstances in so far as the respondents whose identity is not known to the petitioner, this Hon'ble Court may close the writ petition and also taking note of the fact that other respondents have been absorbed, with liberty to the petitioner to revive the writ petition in respect of the contesting respondents whose present status are unknown and if thy were to stake any claim in terms of the impugned order in the writ petitioner."

3. The aforesaid memo dated 17.06.2023 filed by the petitioner has been taken on record by this Court.

4. Recording the memo dated 17.06.2023 filed by the petitioner, this writ petition stands disposed of with a liberty to the petitioner to revive the writ petition in respect of the contesting respondents, whose present status are unknown and if they were to stake any claim in terms of the impugned order in the writ petition.



W.P.No.24945 of 2005

5. Accordingly, this writ petition stands disposed of with the aforesaid liberty. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2023

vm

Index : Yes/No

Speaking Order : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

To:

- 1.The Secretary to Government,
Energy Department,
Chennai – 9.
- 2.The Secretary to Labour and
Employment Department,
Chennai – 9.
- 3.The Inspector of Labour,
Krishnagiri.

W.P.No.24945 of 2005



WEB COPY



W.P.No.24945 of 2005

19.06.2023