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W.P.No.10223 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10223 of 2018

North Arcot District General
Workers Federation

... Petitioner

Vs.

- 1.The Presiding Officer
Principal Labour Court,
Vellore.
- 2.The Superintending Engineer
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore – 6.
- 3.The Junior Engineer/RCC Yard
Vellore Electricity Distribution Circle,
Gandhi Nagar,
Vellore – 6.
- 4.The Junior Engineer PSC Yard
Vellore Electricity Distribution Circle,
SIPCOT,
Ranipet.
- 5.N.M.Periyasamy
- 6.M.C.Ganesan
- 7.S.Sathiyamoorthy
- 8.S.Palani
- 9.R.Jaya
- 10.AKB Constructions
- 11.M.P.Velayutham

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned award passed by the first respondent Principal Labour Court, Vellore, in I.D.No.26 of 2015 dated 15.09.2015 and quash the same and direct the respondents 2 to 4 absorb the workman namely 1.V.Kamaraj, 2.S.Sasikumar, 3.S.Natesan, 4.T.Anbarasu, 5.K.Prabhakaran, 6.K.Jayakumar and 7.K.Velan of the petitioner union in the board service with all consequential benefits.

For Petitioner : Ms.N.Lakshmipriya
for M/s.S.N.Ravichandran

For Respondents : R1 – Court
Mr.G.Anand for R2 to R4
for M/s.T.S.Gopalan and Co.

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the entire records connected with the impugned award passed by the first respondent Principal Labour Court, Vellore, in I.D.No.26 of 2015 dated 15.09.2015 and to quash the same and to direct the respondents 2 to 4 to absorb the workmen namely 1.V.Kamaraj, 2.S.Sasikumar, 3.S.Natesan,



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4.T.Anbarasu, 5.K.Prabhakaran, 6.K.Jayakumar and 7.K.Velan of the petitioner union in the board service with all consequential benefits.

2.The learned counsel appearing for the petitioner submitted that the workmen, namely, 1.V.Kamaraj, 2.S.Sasikumar, 3.S.Natesan, 4.T.Anbarasu, 5.K.Prabhakaran, 6.K.Jayakumar and 7.K.Velan are the members of the petitioner union and they are employed by the Tamil Nadu Electricity Board and are working under the respondents 3 and 4. Since their services were not regularised even after rendering more than 15 years of service, the petitioner union raised dispute before the Conciliation Officer under Section 2 K of the Industrial Disputes Act seeking to regularise the services of the aforesaid workmen and on failure of conciliation, the matter was referred to the first respondent vide G.O.(D) No.38, dated 30.01.2015 and the same was taken up by the first respondent in I.D.No.26 of 2015. The first respondent vide award dated 15.09.2015 dismissed I.D.No.26 of 2015. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner further submitted that the industrial dispute was raised by the petitioner union. Hence, it would suffice, if this Court grants liberty to the



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aforesaid individual workmen/ members of the petitioner union to make application/ representation before the appropriate forum under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, if they establish that they have continuously worked for more than 480 days in two calendar year.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court grant liberty to the aforesaid individual workmen who are members of the petitioner union to work out the remedy in the manner known to law.

5.The writ petition is disposed of with the above observation. No costs.

13.09.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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