



WEB COPY



W.P.Nos.23634 to 23636 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.23634 to 23636 of 2012

WPNo. 23634 of 2012

1. Anbu Kumar
2. Elumalai
3. Venkatesan
4. Dakshinamurthi

... Petitioners

-Vs-

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
now TANGEDCO
Thiruvananthapuram electricity distribution circle
Thiruvananthapuram.
2. The Chief Engineer (personnel)
Tamil Nadu Electricity Board
now TANGEDCO
800 ANNA SALAI
Chennai-600 002.
3. The Inspector of Labour,
Thiruvananthapuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to pass appropriate orders conferring permanent status in the services of the Board in the appropriate positions befitting the nature of employment



W.P.Nos.23634 to 23636 of 2012

performed by the petitioners as ordered by the 3rd Respondent in his proceeding made in Pa.Mu.No.719/2008 dated 19.10.2009 with all attendant benefits.

WPNo. 23635 of 2012

1. S. Murali
2. P.Devaraj

... Petitioners

-Vs-

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
now TANGEDCO
Thiruvananthapuram electricity distribution circle
Thiruvananthapuram

2. The Chief Engineer (personnel)
Tamil Nadu Electricity Board
now TANGEDCO
800 ANNA SALAI
Chennai-600 002.

3. The Inspector of Labour,
Thiruvananthapuram

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the Respondents 1 and 2 to pass appropriate orders conferring permanent status in the services of the Board performed by the petitioners as ordered by the 3rd Respondent in his proceeding made in Na.Ka.No.65/2011 dated 8.6.2011 with all attendant benefits.

WPNo. 23636 of 2012

1. Gana Udayan
2. Manikandan



W.P.Nos.23634 to 23636 of 2012

3. Vediappan
4. Srinivasan
5. Palani

... Petitioners

-Vs-

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
now TANGEDCO
Thiruvananthapuram electricity distribution circle
Thiruvananthapuram

2. The Chief Engineer (personnel)
Tamil Nadu Electricity Board
now TANGEDCO
800 ANNA SALAI
Chennai-600 002.

3. The Inspector of Labour,
Thiruvananthapuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the Respondents 1 and 2 to pass appropriate orders conferring permanent status in the services of the Board in the appropriate positions befitting the nature of employment performed by the petitioners as ordered by the 3rd Respondent in his proceeding made in Na.Ka.No.E/3139/2009 dated 16.4.2010 with all attendant benefits.

In all W.Ps

For Petitioners	: Mr.Y.Ramanaiah
For R1 and R2	: Ms. Nilani Clarire for M/s. T.S. Gopalan & Co.
For R3	: Mr.T.M.Ranajngam Government Advocate



COMMON ORDER

WEB COPY

These writ petitions have been filed for direction directing the first respondent to absorb the petitioners as permanent employee of the first respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners were engaged by the respondents as daily wage labourers to do the job of digging pits, erecting poles, drawing electrical lines and also for installing meters in connection with Board statutory duties. They completed 480 days of continuous work within a period of two years. Therefore, they claim permanent status. The third respondent, by its letter dated 19.10.2009, passed an order that the petitioners are entitled to get permanent status.

4. The Hon'ble Division Bench of this Court, in a batch of Writ Petitions, laid law against insofar as the powers and jurisdiction of the Inspector of Labour. Accordingly, the Labour Inspector would not cause enquiry beyond the powers given under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and thereby would not be having jurisdiction to adjudicate the complicated questions of fact and law in reference to any other statute



W.P.Nos.23634 to 23636 of 2012

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 workmen 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.

5. A perusal of counter affidavit filed by the respondents revealed that the petitioners were not continuously employed to seek employment as per Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act 1981. In pursuant to the settlement under Section 12(3) of Industrial Dispute Act, dated 10.08.2007, a committee was constituted to identify the contract labourers to be absorbed. However, the Committee did not identify the petitioners and therefore, the petitioners have disintitiled themselves from claiming



W.P.Nos.23634 to 23636 of 2012

permanency in service. In fact, even after that, left out contract labourers were considered under B.P.No.9 dated 06.09.2007. Even in the absorption of contract labourers made in pursuant to the proceedings in B.P.No.9, dated 06.09.2007, the petitioners were not identified.

6. In view of the above, the prayer sought for in these writ petitions cannot be considered. Thus, these writ petitions are devoid of merits and are liable to be dismissed. Accordingly, these Writ Petitions stand dismissed. There shall be no order as to costs.

04.09.2023.

Internet : Yes

Index : Yes/No

Lpp

To

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
now TANGEDCO
Thiruvannamalai electricity distribution circle
Thiruvannamalai
2. The Chief Engineer (personnel)
Tamil Nadu Electricity Board
now TANGEDCO
800 ANNA SALAI
Chennai-600 002.
3. The Inspector of Labour,
Thiruvannamalai



WEB COPY



W.P.Nos.23634 to 23636 of 2012

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.Nos.23634 to 23636 of 2012

04.09.2023