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W.P.No.31300 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2023

CORAM:

**THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.No.31300 of 2012

R.Ezhilarasan

...Petitioner.

Versus

1.The Chairman and Managing Director,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
NPKR Maligai, 8<sup>th</sup> Floor, East Wing,  
144, Anna Salai,  
Chennai – 600 002.

2.The Superintending Engineer,  
Tiruvannamalai Electricity Circle,  
TNEB  
Tiruvannamalai – 606 604.

...Respondents

**Prayer:** This writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent to regularize his service and pay back all service and monetary benefit.

For petitioner : D.C.Muthushanthan

For respondents : Mr.A.P.Venkatesh Prasad  
for M/s.Agam Legal. [R2]

**ORDER**



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This writ petition is filed seeking a writ of Mandamus directing the respondent to regularize the services of the petitioner and to pay wages and all service and monetary benefits.

2. When this petition was taken up today for consideration, learned Counsel on either side submitted that the issue involved in the present writ petition is fully covered by an order dated 31.10.2022 passed by a learned Single Judge of this Court in W.P.No.10773 of 2011 .2022 and a copy of the same is placed before this court.

3. In the above said order, a learned Single Judge of this Court at paragraph No.9 held as under:

*“9. A perusal of the same would show that cases wherever the Mandamus was sought for by the workmen to implement the orders passed by the Inspector of Labour, the Division Bench of this Court had directed their claims to be considered based upon the 18 (1) Settlement. The present writ petition is also seeking for a direction to implement the order passed by the 3<sup>rd</sup> respondent herein. The contentions of the Mr.Balan Haridas is that the order of the 3<sup>rd</sup> respondent, passed under Section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981 cannot be replaced by the settlement, in view of the non-obstante clause in a*



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*provision would definitely override any previous law that was in force. Law would also include ordinance, order, bye law, rules, regulations, notification, custom or usage. In the present case, the settlement has been arrived at between the parties on 10.08.2007. Admittedly, the petitioner was issued with an order of conferment status in the year, 2000. After such orders were passed there was a settlement arrived at by the Board and the workmen and their Union. When being so, all the orders passed by the Inspector of Labour including the one that is sought to be implemented gets merged with the settlement arrived at between the interested persons and therefore, as rightly pointed out by Mr.Anand Gopalan, learned counsel appearing for the 1<sup>st</sup> and 2<sup>nd</sup> respondents, the order of the Inspector of Labour dated 12.06.2000 cannot be directed to be implemented. In view of the same, the Mandamus as prayed for cannot be granted. However, the claim of the petitioner can be considered in terms of the settlement arrived under Section 18 (1) of the Industrial Disputes Act, 1947 dated 10.08.2007.”*

4. In the light of the above said order passed by the learned Single Judge, this Court is of the opinion that the relief sought for by the petitioner cannot be granted. However, the claim of the petitioner can be considered in terms of the settlement arrived at under Section 18 (1) of the Industrial Disputes Act, 1947 dated 10.08.2007.

5. Accordingly, with the above observations and directions, the



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writ petition stands disposed of. There shall be no order as to costs.

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**11.12.2023**

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation Case: Yes/No

***nst***

To:

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**MUMMINENI SUDHEER KUMAR,J.**



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