



WEB COPY



W.P.No.31167 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.31167 of 2013

and

M.P.No.1 of 2013

1.The Junior Engineer,
(Operation and Maintenance),
TNEB,
Thaaramangalam, Omalur Circle,
Salem.

2.The Assistant Engineer,
(Operation and Maintenance),
TNEB,
Jalagandapuram, Mettur Circle,
Salem District.

3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
TNEB,
Mettur Dam- 1.

...Petitioners.

Vs.

1.Inspector of Labour,
Salem.

2.M.Arthanaareshwaran

...Respondents.



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the 1st respondent, in relation to his proceedings in Na.Ka.Aa.No.1881/2004 dated 29.11.2004 with respect to the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.G.Anand Gopalan
for Mr.T.S.Gopalan
For Respondents : -NA-

ORDER

The issue raised in this writ petition is covered by the judgment by this Court in *The Superintending Engineer, Nagapatinam Vs. The Inspector of Labour and Ors.* in W.A.No.1302 of 2003 etc. batch dated 24.10.2008. The petitioner herein was the respondent before the Inspector of Labour Salem.

2.The defendants were falling under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status) Act, 1981. Subsequently, a deed of settlement was entered into between the parties under Section 18 (1) of the Industrial Disputes Act, 1947.

3. Considering a batch of cases, this Hon'ble Court in the aforesaid judgment was pleased to held as follows:-

"5. We therefore, direct that persons who ought to have been taken in employment against vacancies that were directed to be filled by the Supreme Court pursuant to Khalid Commission's report shall first be filled up before other vacancies are undertaken



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to be filled up. The writ petitions challenging the 18 (1) settlement will stand dismissed, except to the extent mentioned in paras 23 and 24 above. Age relaxation, wherever necessary to accommodate them shall be given. Similarly, the writ petitions challenging the board proceedings 36 and 37 of the Administrative Branch dated 29.10.2005 will also stand dismissed. 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. The appeals filed by the board against the decision of the learned single will also stand dismissed. The claims of the workmen in W.P.No. 1033 of 2006 and the connected batch will not stand affected by the decision of this court and the Labour Court will decide on their claims in I.D.No. 106 of 2003 in the light of what we have observed, in so far as they are relevant and independently of the same on factual issues whether they have been directly employed by the Electricity Board or not. The Writ Petitions and Writ Appeals are disposed of accordingly. No costs."

4. In the light of the judgment passed, this writ petition stands disposed of, directing the writ petitioner to consider the enforcement in terms of the settlement arrived at under Section 18 (1) of the Industrial Disputes Act, 1947. Connected Miscellaneous Petition is closed. No costs.

12.06.2023

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Index : Yes/No

Speaking : Yes/No

Neutral Citation Case : Yes/No



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V.LAKSHMINARAYANAN,J
nst

To:

Inspector of Labour,
Salem.

W.P.No.31167 of 2013
and
M.P.No.1 of 2013

12.06.2023