



W.P.No.15630 of 2022 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.15630, 15644, 15647, 15651, 15655, 15720, 15724, 15725,
15727 & 15730 of 2022

and

W.M.P.Nos.14854, 14867, 14872, 14878, 14884, 14975, 14982, 14985,
14988 & 14993 of 2022

W.P.No.15630 of 2022:

- 1.The Chairman,
Tamil Nadu Electricity Generation and Distribution Corporation,
No.144/800, Anna Salai, 10th Floor,
Chennai – 600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation and Distribution Corporation,
No.144/800, Anna Salai, 10th Floor,
Chennai – 600 002.
- 3.The Superintending Engineer/North,
North Chennai Electricity Distribution Circle/North,
Tamil Nadu Electricity Generation and Distribution Corporation,
No.791, Anna Salai, Chennai – 600 002.

... Petitioners

Vs.

- 1.The Assistant Commissioner of Labour (Enforcement),
Authority under the Tamil Nadu Industrial Establishment



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(Conferment of Permanent status to workmen) Act, 1981,
Chennai, Circle – 1, Nandanam, Chennai – 600 035.

2.T.Kuppuswamy

...Respondents

Prayer in W.P.No.15630 of 2022 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 1st respondent in proceedings Case No.A/3129/2015 and quash its order dated 04.10.2021.

For Petitioners : Mr.Anand Gopalan
(in all WPs) for M/s.T.S.Gopalan and Co.

For Respondents : Mr.M.S.Prem Kumar
(in all WPs) Government Advocate [R1]
No appearance [R2]

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions are heard together and disposed of by this common order.

2. When these matters were taken up for hearing today, the learned counsel appearing for the petitioners submitted that, the issue involved in these Writ petitions are no longer *res integra* and the similar issue was dealt with by



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the Hon'ble Division bench of this Court in W.P.No.4061 of 2013 etc., batch of cases, wherein the Division Bench of this Court by order dated 07.03.2022, set aside the orders passed by the Labour Inspector and remanded the matter to the Labour Inspector.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the first respondent and perused the materials available on record.

4. A perusal of the order of the Hon'ble Division Bench of this Court dated 07.03.2022 made in W.P.No.4061 of 2013 etc., batch of cases, it is evident that, the Division Bench already arrived a conclusion that, the Labour Inspectors have no power to decide the issue in respect of the contract labourers who are working under the Contractors and they are governed by the various Labour legislations. For better appreciation, the relevant paragraphs are extracted hereunder:-

“34. We have considered the submission aforesaid and find that the order passed by the Labour Inspector needs to be interfered with remand of the case. It is, however, to be made



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clear that the Labour Inspector would not cause enquiry beyond the powers given under the Act of 1981 and thereby would not be having jurisdiction to adjudicate the complicated questions of fact and law in reference to any other statute 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 workman 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. The direction aforesaid is not driven by the settlement for the reason that the workmen herein are those who were not extended the benefit of settlement and, therefore, sought claims by maintaining claim separately. However, it would not preclude both the sides from entering into settlement, if they so choose, during the period of summary enquiry by the Labour Inspector. The issue as to whether the respondents fall within the definition of "workman" is however decided against the petitioner Corporation, as not only a settlement was entered, but adjudication about claim to seek permanency has been decided earlier in reference to similarly placed.

35. With the aforesaid directions, all the writ petitions are disposed of by causing interference with the order passed by the Labour Inspector. The orders passed by the Labour Inspector are set aside with remand of the case to the Labour Inspector for passing orders afresh, after summary enquiry."



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5. The present cases in hand, being similar in nature, this Court is inclined to dispose of these writ petitions in the same line by following the above order.

6. Accordingly, the impugned orders are aside and the matters are remitted to the first respondent. While re-considering the same, the first respondent is directed to decide the issue strictly in terms of the order passed by the Hon'ble Division Bench of this Court.

7. With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

25.09.2023

Neutral Citation Case : Yes / No
Speaking Order / Non – speaking order
Index : Yes / No
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To

The Assistant Commissioner of Labour (Enforcement),
Authority under the Tamil Nadu Industrial Establishment
(Conferment of Permanent status to workmen) Act, 1981,
Chennai, Circle – 1, Nandanam, Chennai – 600 035.



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M.DHANDAPANI, J.,

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