



W.P.No.38607 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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

W.P.No.38607 of 2016

G.Raja

...Petitioner

Vs

1. The Chairman and Managing Director,
Tamil Nadu Distribution Generation Corporation Limited,
Anna Salai, Chennai 2.

2. The Chief Engineer/Personnel,
Tamil Nadu Distribution Generation Corporation Limited,
Anna Salai, Chennai 2.

3. The Superintending Engineer(P & A),
Ramanathapuram Electricity Distribution Circle,
TANGEDCO Ltd., Ramanathapuram.

4. The Assistant Engineer/North
Ramanathapuram Electricity Distribution Circle,
TANGEDCO Ltd. Ramanathapuram.

5. The Inspector of Labour,
Ramanathapuram.

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 1st respondent to implement the order of the Inspector of Labour Ramanathapuram passed in Na. Ka. No. 206/2013 dt 31.8.2015 under sec 3 of the T.N. Industrial Establishment (Conferment of Permanent status to workman) Act 1981 and thereby absorb the petitioner from the date of completion of 480 days



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with all attendant and other monetary benefits.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.Venkatesh Prasad.A.P. For RR1 to 4
For M/s.T.S.Gopalan & Co.
Mr.M.S.Premkumar, GA R5

ORDER

The petitioner has filed the present writ petition seeking a direction to the 1st respondent to implement the order of the Inspector of Labour Ramanathapuram passed in Na. Ka. No. 206/2013 dt 31.8.2015 under sec 3 of the T.N. Industrial Establishment (Conferment of Permanent status to workman) Act 1981 and thereby, absorb the petitioner from the date of completion of 480 days with all attendant and other monetary benefits.

2. It is the case of the petitioner that he was worked as Contract Labour in the respondent Board and had completed 480 days of continuous service in 24 calendar months. However, he was not absorbed. Person who are junior to the petitioner were absorbed. Hence, the petitioner raised a dispute before the Inspector of Labour under Section 3 of the Tamil Nadu Industrial Establishment (Conferment of



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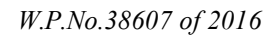
Permanent Status to Workmen) Act, 1981. After due trial and after examination of documents filed in support of the petitioner and Board, the Labour Court, vide its order dated 31.08.2015, passed an award directing the Board to grant permanent status to the petitioner from the date of compensation of 480 days of his service in 24 calendar months. The said order is not implemented and hence, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that challenging the order of the Labour Court, the Board has filed a writ petition before this Court in W.P.No.16048 of 2017 and the same was disposed of and set-aside the impugned order and remanded the matter back to the labour Court to decide the issue. Hence, nothing survives for adjudication.

4. Recording the said submission made by the learned counsel for the petitioner, Writ Petition is disposed of. No costs.

12.07.2023

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M.DHANDAPANI, J.

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Index: yes / no
Internet : yes / no
Speaking / Non speaking order

To

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