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W.A. No.2589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

and

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A. No.2589 of 2023

- 1 M. Rajendran
- 2 S. Elangovan
- 3 M. Nagamani
- 4 S. Babu

Appellants

v

- 1 The Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.
represented by the Chairman
No.144, Anna Salai
Chennai – 600 002
- 2 The Chief Engineer (Personnel)
The Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.
No.144, Anna Salai
Chennai – 600 002
- 3 The Superintending Engineer
The Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.
Cuddalore
- 4 The Inspector of Labour
Cuddalore

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the

order dated 07.11.2019 passed in W.P. No.22447 of 2011.



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For appellants Mr. N. Suresh
For RR 1 to 3 Mr. Anand Gopalan
 for M/s. T.S. Gopalan

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

The order passed by a Single Bench of this Court in W.P. No.22447 of 2011 is under assail in this writ appeal.

2 Today, when this writ appeal was taken up for hearing, it was conceded by either side that the issue involved in this writ appeal was considered by a Coordinate Bench of this Court in **A. Ravi v The TANGEDCO and 3 others**¹. The operative portion of the said order reads thus:

“9. In view of the above, while setting aside the order passed by the learned Single Judge and allowing the writ appeals, the respondent Corporation is directed to implement the order passed by the Labour Inspector, within six months from the date of receipt of a copy of this order. However, the benefit of conferment status would be admissible to the appellants/writ petitioners only for the period they have served in the respondent Corporation and not for the period during which they were not serving the respondent Corporation. To make it clear, if any of the appellants/writ petitioners was either discontinued from the contract or terminated, the benefit arising out of the order of the Labour Inspector would be only for the period of service and not after their discontinuance or termination, for which, the appellants/writ petitioners would be at liberty to take recourse as available to them, if they are so interested.”

3 In view of the above, this writ appeal also deserves to be allowed



on the terms on which **A. Ravi** (*supra*) was allowed.

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4 Further, in C.M.P. No.18403 of 2023 filed by the appellants seeking to condone the delay of 1,083 days in filing this writ appeal, this Court condoned the said delay, however, with a rider. For ease of reference, the relevant portion of the order condoning the delay is extracted below:

“2 Today, when the matter was taken up for hearing, Mr. Anand Gopalan representing M/s. T.S. Gopalan & Co., learned counsel on record for respondents 1 to 3 submitted that respondents 1 to 3 have no objection in the delay being condoned on condition that the petitioner would not be entitled to the benefit of any relief for the said period of 1,083 days.

3 We accept the aforesaid submission of the learned counsel for respondents 1 to 3 and the learned counsel for the petitioner also is in agreement with the aforesaid submission.

4 In the event of the petitioner approaching a different forum seeking appropriate relief, the delay of 1,083 days on his part in approaching this Court, shall not be reckoned for the purpose of calculating the period of limitation.

5 This C.M.P. is ordered in the above terms.”
(emphasis supplied)

5 In view of the above order passed in the petition filed to condone the delay in filing this appeal, it is made clear that the appellants are not entitled to the benefit of any relief for the period of delay of 1,083 days in they preferring this writ appeal and further, in the event of they approaching a different forum seeking appropriate relief, the delay of 1,083 days on their part in

<https://www.mhc.tn.gov.in/judis> filing this appeal, shall not be reckoned while calculating the period of limitation.



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WEB COPY In the result, this writ appeal stands allowed in terms of paragraph nos.3 and 5, *supra*. Costs made easy.

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(S.V.N., J.) (K.R.S., J.)
19.09.2023



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