



W.P.No.22505 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.22505 of 2021

and

W.M.P.Nos.22726 & 22727 of 2021

1.L.Balakrishnan
S/o.Lakshmanan

2.M.Manikandan
C/o.R.Leelavathi

3.P.Karthikeyan
S/o.Palanisamy

4.G.Pongurusamy
S/o.Ganesan

5.P.Sathishkumar
S/o.P.Palanisamy

6.P.Sukumar
S/o.Perumal

7.M.Anbalagan
S/o.P.Madhaiyan

... Petitioners

/Vs/

1.The Chairman
Tamil Nadu General & Distribution Corporation (TANGEDCO)
No.144, Anna Salai
Chennai 600 002



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2.The Chief Engineer (Personnel)
Tamil Nadu General & Distribution Corporation (TANGEDCO)
No.144, Anna Salai
Chennai 600 002

3.The Chief Engineer
Mettur Thermal Power Station – I
Tamil Nadu Electricity Generation and Distribution Corporation
Mettur Dam

4.The Superintending Engineer (Operation)
Mettur Thermal Power Station
Tamil Nadu Electricity Generation and Distribution Corporation
Mettur Dam

5.The Joint Director
Industrial Safety and Healthy
Authority under the Tamil Nadu Industrial Establishment
Conferment of Permanent status to workmen Act 1981
Salem

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the third Respondent in Lr.No.169/Adm.II/A4/F.CC/2020 dated 27.02.2020 quash the same and direct the respondents 1 to 4 to confirm the service of the Petitioners as per the order passed by the 5th Respondent in No.A/4600/2011 dated 17.11.2015.

For Petitioner : Mr.D.Rajkumar

For Respondents : Mr.Anand Gopalan
for Mr.T.S.Gopalan & Co



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ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the third Respondent in Lr.No.169/Adm.II/A4/F.CC/2020 dated 27.02.2020 quash the same and direct the respondents 1 to 4 to confirm the service of the Petitioners as per the order passed by the 5th Respondent in No.A/4600/2011 dated 17.11.2015.

2.Heard Mr.D.Rajkumar, learned counsel for the Petitioner and Mr.Anand Gopalan, learned counsel for Mr.T.S.Gopalan & Co, learned counsel for the Respondents.

3.When the matter is taken up for hearing today, Mr.Anand Gopalan, learned counsel for the Respondents, relied upon an order passed by this Court in W.P.No.15265 & 15267 of 2021 dated 17.11.2023, wherein in an identical issue this Court by referring an order passed by this Court in W.P.No.2732 of 2020 dated 05.02.2020 held as under:

4.When the matter is taken up for hearing today,



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Ms.V.M.Sreenidhi, for AGAM Legal Associates, learned counsel for the Respondents, relied upon an order passed by this Court in W.P.No.2732 of 2020 dated 05.02.2020, wherein in an identical issue this Court has held as under:

“2. It is seen from records that the petitioner was working as a Contract Labour and he had given a representation to the 3rd respondent to regularize his service inline with 12 (3) Settlement. The 3rd respondent has rejected the claim made by the petitioner by proceedings dated 26.04.2018. This order has now become a subject matter of challenge before this Court.

3. Considering the nature of claim that has been made by the petitioner and the reasons assigned by the 3rd respondent for rejecting the same, this Court is not the appropriate authority to decide upon the rejection order passed by the 3rd respondent. The petitioner has to necessarily work out his remedy before the appropriate forum and seek for a substantial relief against the respondents. It would require factual considerations of 12(3) Settlement as well as the period during which the petitioner was engaged as contract labour.

4. This writ petition is therefore disposed of by giving liberty to the petitioner to work out his remedy before the appropriate forum, in accordance with law.

5. In view of the facts of circumstances of this case and the order passed passed by this Court in W.P.No.2732 of 2020 dated 05.02.2020, these Writ Petitions are not maintainable.”

6.In the result, these Writ Petitions are dismissed with liberty to the Petitioner to work out his remedy before the appropriate forum, in accordance with law. Consequently



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connected Miscellaneous Petitions are closed.”

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4.In view of the same, this Writ Petition is dismissed with liberty to the Petitioner to work out his remedy before the appropriate forum, in accordance with law. Consequently connected Miscellaneous Petitions are closed.

28.11.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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R.N.MANJULA, J.

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