



WEB COPY



W.P. No. 25758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.25758 of 2023

P.Karnan

... Petitioner

-VS-

1. The Assistant Commissioner-II
Department of Labour,
Government of Tamil Nadu,
DMS Campus, Anna Salai,
Teynampet, Chennai-6.

2. The Superintending Engineer,
Tamil Nadu Electricity Board General
Construction Circle,
Thiru Vi. Ka.Industrial Estate,
SIDCO, Guindy, Chennai-32.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the first respondent to pass order on the objection memo dated 14.08.2023 filed by the petitioner vide proceedings in Na.Ka.No.E/3414 to 3471 & 3492 and 3503 of 2022 before proceeding further in the enquiry and consequently, direct the first respondent to proceed with the enquiry as directed by this Court in W.P.no.4061/2020 dated 07.03.2023.

For Petitioner(s) : Mr.B.Manoharan

For Respondent(s) : Mr.Anand Gopannan R2
For M/s.T.S.Gopannan & Co.



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ORDER

This petition has been filed seeking a direction to the first respondent to pass order on the objection memo dated 14.08.2023 filed by the petitioner vide proceedings in Na.Ka.No.E/3414 to 3471 & 3492 and 3503 of 2022 before proceeding further in the enquiry and consequently, direct the first respondent to proceed with the enquiry as directed by this Court in W.P.No.4061/2020 dated 07.03.2023.

2. It is the case of the petitioner that the petitioner is a contract workman approached the Assistant Labour Commissioner (Enforcement) Circle-II Authority under the Tamil Nadu (Conferment of Permanent Status to Workmen Act) for conferment of permanent status. The same was awarded vide award dated 20.01.2020. Aggrieved by the same, the second respondent filed writ petition and the same was disposed vide order dated 07.03.2022 in W.P.No.4601 of 2013. The said order dated 07.03.2022 was challenged in the Hon'ble Apex Court and the same was disposed vide order dated 10.10.2022. Pursuant to the same, the petitioner claim was reopened and pending disposal with the first respondent. Therefore, the petitioner has filed the present writ petition seeking a direction to the first respondent to dispose of the memo dated 14.08.2023 before proceed further in recording evidence of the contractors who



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were summoned without any application.

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3. The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to permit the petitioner to cross examine the contractors who were summoned by him.

4. The learned counsel for the respondent have not raised any serious objection in this regard.

5. In view of the fair submission made by the learned counsel for either side, this Court is inclined to issue a direction to the first respondent to permit the petitioner to cross examine the contractors on the same day and thereafter, the first respondent is directed to consider the petitioners claim and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

6. With the above direction, the writ petition is disposed of. No costs.

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Rli

Index: Yes/No



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M.DHANDAPANI, J.

Rli

NCS : Yes/No

To

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Department of Labour,
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