



W.A. No.3039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A. No.3039 of 2023 and C.M.P. No.25188 of 2023

- 1 A. Thirumurugan
- 2 P. Nedumaran
- 3 S. Muruganandam
- 4 V. Inbaraj
- 5 S. Purushothaman
- 6 S. Sheik Jahangir Hussain
- 7 M. Vijayaragavan
- 8 S. Sudhakar
- 9 S. Rajmohan
- 10 P. Anbazhagan
- 11 A. Tennis Raja
- 12 S. Sathis Kumar

Appellants

v

- 1 The Executive Engineer
Tamil Nadu Water Supply & Drainage Board
Maintenance Division
31, Public Office Road
Vellipalayam
Nagapattinam
- 2 The Assistant Executive Engineer
Tamil Nadu Water Supply & Drainage Board
Maintenance Division
31 Public Office Road
Vellipalayam
Nagapattinam



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3 The Assistant Engineer
Tamil Nadu Water Supply & Drainage Board
Maintenance Division
31, Public Office Road
Vellipalayam
Nagapattinam

4 R. Geetha

5 V. Muthulakshmi

6 M.R. Shanmugam

7 P. Sumathi

8 Y. Shahul Hameed

9 G. Anand

10 M. Ashokumar

Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 21.06.2022 passed in W.P. No.12637 of 2014.

For appellants	Mr. Balan Haridoss for Mr. S. Sivakumar
For RR 1 to 3	Mr. S.Ravindran, Sr. Counsel for Ms. S. Mekhala Standing Counsel

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

This writ appeal calls into question the legality and validity of the order dated 21.06.2022 passed in W.P. No.12637 of 2014.

2 For the sake of clarity, the parties are adverted to as per their rank

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in this writ appeal.



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The facts giving rise to this writ appeal could be succinctly stated thus:

3.1 The appellants preferred the writ petition being W.P. No.12637 of 2014 seeking a writ of mandamus directing the first respondent to implement the order dated 11.02.2014 passed by the Inspector of Labour, Thiruvarur, who is the authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, whereby and whereunder, the first respondent was directed to confer permanent status to the appellants and the private respondents, inasmuch as, they had completed 480 days of continuous service in a period of 24 calendar months.

3.2 It is to be noted that as against the aforesaid order dated 11.02.2014 passed by the authority, the respondent Management has filed a writ petition being W.P. No.2510 of 2022, which is under consideration before a Single Bench.

3.3 While so, the Single Bench, has dismissed the writ petition in W.P.No.12637 of 2014 filed by the appellants, by going into the merits of the matter and rejecting their plea, which has given rise to this writ appeal by 12 of those workmen who were directed to be conferred permanent status.



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4 We are of the view that unless finality is reached in the writ petition being W.P. No.2510 of 2022 preferred by the respondent Board challenging the order passed by the authority, the question of implementation of the said order passed by the authority does not arise at all and hence, the order impugned in this writ appeal touching upon the merits of the matter and dismissing the writ petition filed by the appellants, may not be correct.

5 In such perspective of the matter, the order passed by the Single Bench is interfered with, giving liberty to the parties to address the various legal and factual submissions in W.P. No.2510 of 2022 filed by the Management and if the issue attains finality in favour of the appellants, the order of the authority shall be implemented within a period of four months from the date of the order of the authority attaining finality.

This writ appeal stands disposed of in the above terms. Costs made easy. Connected C.M.P. is closed.

(S.V.N., J.) (K.R.S., J.)
01.11.2023

cad

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S. VAIDYANATHAN, J.

and

K. RAJASEKAR., J.

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