



W.P(MD)No.18748 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No18748 of 2016

1. G.Prabhakar
2. R.Mariyappan
- 3.M.Santhanamari
4. C.Edward Ravikumar

...Petitioners

Vs.

1. The Chairman
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 Chief Engineer,
TANGEDCO/TTPS
Tuticorin Thermal Power Station
Tuticorin – 628 004.

4. The Superintending Engineer (P &A)
TANGEDCO/TTPS
Tuticorin Thermal Power Station
Tuticorin – 628 004.

5. The Deputy Chief Inspector of Factories
Tuticorin.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 4th respondent vide Letter No. 065/294/Adm-III(2)/2015-3 dated 16.06.2016 and quash the same and directing the respondents to implement the order of The Deputy Chief Inspector of Factories, Tuticorin, passed in No.E/568/2013, dated 05.03.2014 and thereby absorb the petitioner as Helpers w.e.f from their date of completion of 480 days, with all attendant and other monetary benefits.

For Petitioner : Mr.A.Nawaz Khan
for M/s. Ajmal Associates

For R1 to R4 : Mrs.P. Malini
for Mr.T.S.Gopalan & Co

ORDER

This Writ Petition is filed seeking to implement the order passed by the authority under Permanency Act.



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2. During the course of hearing, the learned Standing Counsel appearing for TANGEDCO placed a copy of the order dated 09.01.2023 made in W.P(MD)No.145 of 2017 and batch and the order dated 11.04.2023 made in W.P(MD)No.18754 of 2017.

3. In W.P(MD)No.145 of 2017 and batch, this Court has considered the identical issue involved in the present Writ Petition and it has been held as follows:

5. This Court is of the considered opinion that in the present case, admittedly, complicated questions of facts and law is involved. When there is no subsisting employment, the applicability of the Act itself is questioned, then the individuals are bound to approach the Labour Court and not the Labour Officer. Hence, the impugned order is quashed and the individuals are at liberty to approach the appropriate forum in accordance to law. If the petitions are filed before the Labour Court, the same shall be considered within a period of six (6) months from the date of filing of the petition.



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4. By following the said order, the present Writ Petition is disposed of by giving liberty to the petitioner to approach the appropriate forum in accordance with law and if the petitions are filed before the lower Court, the same shall be considered within a period of six months from the date of filing of the petitions.

5. No costs.

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Index : Yes / No
NCC : Yes / No
CM



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BATTU DEVANAND, J.

CM

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