



W.P.(MD).Nos.16631 of 2017 & 22253 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.16631 of 2017 & 22253 of 2022

and

W.M.P(MD)Nos.16429 & 16430 of 2022

W.P(MD)No.16631 of 2017:

A.Prakash

... Petitioner

Vs.

1.The Superintending Engineer,
Madurai Electricity Distillation Circle,
Tamil Nadu Electricity Board,
K.Pudur, Madurai – 7.

2.The Assistant Engineer,
Tamil Nadu Electricity Board,
Uranganpatti,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to comply the orders of Madurai Labour Inspector in Na.Ka.No.1082 of 2008 and W.P.(MD) No.1142 of 2010 of Madurai Bench of Madras High Court and C.P.No.15 of 2012 Labour Court Madurai to permanent the petitioner as helper



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in T.N.E.B and arrears amount with interest till date .

For Petitioner : M/s.T.Villavankothai

For Respondents : M/s.P.Malini
for M/s.T.S.Gopalan & Co.,

W.P(MD)No.22253 of 2022:

1.The Superintending Engineer,
Madurai Electricity Distillation Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
K.Pudur, Madurai – 7.

2.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Uranganpatti Division,
Madurai District.

... Petitioners

Vs.

A.Prakash

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records of the Labour court, Madurai dated 16.02.2015 in C.P.No.15 of 2012 and quash the same.

For Petitioners : M/s.P.Malini
for M/s.T.S.Gopalan & Co.,



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For Respondents : M/s.T.Villavankothai

COMMON ORDER

The writ petition in W.P.(MD)No.16631 of 2017 has been filed for a Mandamus, directing the respondents to comply the orders of Labour Inspector order in Na.Ka.No.1082 of 2008, the order passed in W.P(MD)No.1142 of 2010 and C.P.No.15 of 2012 passed by the Labour Court with arrears amount along interest.

2. The claim of the petitioner is that the petitioner was working as petty temporary contract labour from 27.07.1995 till today in Tamil Nadu Electricity Board. The petitioner filed a petition before the Inspector of Labour in Petition No.1082 of 2008 seeking conferment of permanent status. The said petition was allowed, directing the respondents to confer permanent status. Aggrieved over the same, Tamil Nadu Electricity Board filed W.P(MD)No.1142 of 2010 and the same was dismissed. Thereafter, the petitioner filed C.P.No.15 of 2012 on the file of the Labour Court and the Labour Court has quantified the amount as backwages Rs.10,95,883/- (Rupees Ten Lakh Ninety Five Thousand Eight



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Hundred and Eighty Three only) and directed the respondents to pay the amount. This amount ought to have been paid, if the petitioner was granted permanent status based on the Labour Inspector's order of permanent status. Since the same was not implemented, the petitioner has filed W.P(MD)No. 16631 of 2017 directing the respondents to implement the orders of the Labour Inspector and Labour Court. Pending this writ petition, the respondents have filed a writ petition in W.P(MD)No.22253 of 2022 challenging order passed in C.P.No.15 of 2012 dated 16.02.2015. Since both the writ petitions are arising out of the same C.P. order, both the petitions were taken up together.

3. When the writ petition was taken up for hearing on 21.09.2022, the petitioner submitted since he has disabled son, he prefers permanent status and he is willing to give up the monetary benefits granted in C.P. petition. Therefore, this Court directed the writ petitioner to file an affidavit. When the case was taken up today i.e., 27.01.2023, petitioner has filed an affidavit and the relevant portion is extracted hereunder:

“It is submitted that my grievance is only to permanent my job as helper. If the respondents are passed order to permanent



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me as helper and I will not seek the benefit, which is passed by the labour Court, Madurai to provide the benefits of Rs.10,95,883/- to me by the respondents.”

4. Recording the submission, this Court is directing the respondents to confer permanent status to the petitioner with immediate effect. The respondents need not pay the backwages that is granted in C.P. and therefore, the impugned order passed in C.P is set aside. However, the order of the Labour Inspector granting permanent status is confirmed and the effect of conferment of permanent shall be with effect from 30.01.2023.

5. With the above directions, the writ petitions W.P(MD)No.16631 of 2017 and W.P(MD)No.22253 of 2022 are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Superintending Engineer,
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- 2.The Assistant Executive Engineer,
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S.SRIMATHY, J.

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