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W.P.No.16706 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16706 of 2009

The Superintending Engineer,
Tamilnadu Electricity Board,
Gobi Electricity Distribution Circle,
Gobichettipalayam. .. Petitioner

Versus

1. The Government of Tamilnadu
Rep. by its Secretary to Government,
Energy Department,
Chennai - 600 009.
2. The Government of Tamilnadu
Rep. by its Secretary to Government,
Labour and Employment Department,
Chennai - 600 009.
3. The Inspector of Labour,
Erode.
4. V.P.Krishnan
5. P.Krishnasamy
6. K.Venkatachalam
7. G.K.Santhoshkumar .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorari calling for the records of the third



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respondent relation to his proceeding, dated 29.12.2006 passed in Na.Ka.E/9905/2004 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.P.Raghunathan

For Respondents : Mr.K.Surendran,
Additional Public Prosecutor,
for RR-1 and 2

: Not ready in notice for RR-3 to 7

ORDER

This Writ Petition is filed, challenging the award passed by the Inspector of Labour under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, dated 29.12.2006 in Na.Ka.No.E/9905/2004, four workmen are involved in this case and they are arrayed as R4 to R7.

2. When the matter came up for hearing, Mr.Anand Gopalan, the learned counsel appearing on behalf of the petitioner would submit that subsequent to the filing of the Writ Petition there was a 12(3) settlement. Pursuant to which the workmen who are all found eligible, were already absorbed in the petitioner Management and they are all working. In the present case except respondents 5 & 6 all the other employees have been



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absorbed and working. As far as the aforementioned respondents are concerned, they are found ineligible. As per the 12 (3) settlement, they are not absorbed. As a matter of fact, the Division Bench of this Court in W.A.No.1302 of 2003 and batch., has held that the rights of the Workmen will be governed by the 12(3) settlement.

3. In view thereof, the said workmen, who are not eligible as per the 12(3) settlement cannot be employed and as far as the rest of the workmen are concerned, they are already employed and therefore, nothing further survives in this matter to be adjudicated in the present Writ Petition.

4. Recording the above, this Writ Petition stands disposed of. There shall be no order as to costs.

10.12.2024

Neutral Citation : no
grs

To

1. The Secretary to Government,
Energy Department,
Chennai - 600 009.



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2. The Secretary to Government,
Labour and Employment Department,
Chennai - 600 009.
3. The Inspector of Labour,
Erode.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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