



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.21913 of 2004
and
W.MP.No.26458 of 2004

The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
Tamil Nadu Electricity Board
Nagapattinam.

... Petitioner

Vs.

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 Labour and
Employment Department,
Chennai 600 009.
3. The Inspector of Labour,
Thiruvavarur.
4. K.Nagarajan
- 5.A.Santhosh



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- 6.T.Athamanabhan
- 7.N.Prabakaran
- 8.S.Murugaraj
- 9.R.Arumugam
- 10.M.Ramanathan
- 11.R.Buvaneswaran
- 12.R.Balakrishnan
- 13.S.Selvaraj
- 14.K. Venkatesan
- 15.E.Harikrishnan
- 16.E.Devakumar
- 17.K.Ramesh
- 18.T.Ramachandran
- 19.S.Karthikeyan
- 20.V.Gandhinayagan
- 21.M.Madavan
- 22.C.Sivaraj
- 23.R.Saravanan
- 24.G.Kumar
- 25.C.Sathyaprakash
- 26.S.Rajagopal
- 27.T.Subramanian
- 28.G.Thangappan
- 29.G.Shanmugam
- 30.C.Parthiban
- 31.K.Meganathan
- 32.R.Karthikeyan
- 33.L.Pandiyan
- 34.V.Arumugam
- 35.V.Bharanidharan
- 36.A.S.Anbuselvan
- 37.R.Velayutham
- 38.R.Lakshmanan
- 39.S.Selvam
- 40.A.Amaldoss
- 41.V.Senthilkumar



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42.N.Raj Mohan
43.K.Balamurugan

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the third respondent relation to his award dated 23.08.2001 and made in Na.Ka.No.3586/2000 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co

For Respondents : Mr.K.Surendran for R1 to R3
Additional Government Pleader

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 23.08.2001 in Na.Ka.No.3586/2000. Totalling 40 workmen are involved in this case and they are arrayed as R4 to R43.

2. When the matter came up for hearing, Mr.Anand Gopalan, the



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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 were found eligible, were already absorbed in the petitioner Management and they are all working. In the present case except respondents 8, 17, 25 & 26 all the other employees have been 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. No



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costs. Consequently, connected Miscellaneous Petition is closed.

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Neutral Citation: No
dna

To

1. The Secretary to Government,
Energy Department,
Chennai 600 009.
2. The Secretary to Labour and
Employment Department,
Chennai 600 009.
3. The Inspector of Labour,
Thiruvavarur.



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D.BHARATHA CHAKRAVARTHY, J.
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