



W.P.No.19215 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.19215 of 2005
and W.M.P.No. 20793 of 2005

The Superintending Engineer,
Tamilnadu Electricity Board,
Udumalpet Electricity,
Distribution Circle,
Udumalpet.

.. Petitioner

Vs.

1. The Government of Tamilnadu,
represented by its Secretary to Government,
Energy Department,
Chennai - 9.
2. The Government of Tamilnadu,
represented by its Secretary to Government,
Energy Department,
Labour and Employment Department,
Chennai - 9.
3. The Inspector of Labour,
Erode.
4. E.K.Subramanian



W.P.No.19215 of 2005

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5. N.Nallasubramniam
6. P.Kumar
7. S.Selvaraj
8. S.Kannan
9. A. Eswaran
10. N.Chellamuthu
11. M.Ravichandran
12. D.Muthukumar
13. T.Kalimuthu
14. K.Saravanamoorthy
15. M.Selvaraj
16. R.Rajamani
17. A.Palaniappan
18. S.Vasudevan
19. P. Sundaram
20. V.Palanisamy
21. P. Palani
22. G.Ravichandran
23. R.Muruganandam
24. J.Dharmaraj
25. T.Shanmugam
26. S.Sivanesan
27. L.Thirunavukkarasu
28. K. Thirumalaisamy
29. R.Kuppusamy
30. R. Balasubramanian
31. D.Jeyachandran
32. A.Abdul Jaffar

Respondents 4 to 32 are represented by the
General Secretary,
Tamilnadu Minvaria
Uzhaipalagal Sangam,
Head Quarters,



W.P.No.19215 of 2005

Lalgudi, Trichy.
Respondents

..

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the records of the third respondent relating to this proceeding in petition No. 1607/2004 dated 17.02.2005 and quash the same as illegal and without jurisdiction.

For Petitioner	: Mr.Anand Gopalan M/s. Agam Legal Advocates
For R1 & R2	: Mr.K.Surendran Additional Government Pleader

ORDER

This writ petition is filed challenging the Award passed by the third respondent, Inspector of Labour dated 17.02.2005 under the Tamil Nadu Conferment of Permanent Status of Workman in Industrial Establishments Act. By the impugned award, totally 29 workmen were directed to be conferred permanent status. Those workmen are arrayed as respondents No. 4 to 32.

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



W.P.No.19215 of 2005

the learned counsel appearing on behalf of the petitioner would submit that pending the writ petition, 12(3) settlement was entered into and in terms of 12(3) settlement except two workmen involved in the present case namely respondent No.8, Mr.S.Kannan and respondent No. 16, Mr.R.Rajamani, everybody else have already been absorbed and they are working in the petitioner management and therefore nothing further survives in respect of them.

3. In a batch of writ petitions preferred by the petitioner management which was taken up along with W.A.No. 1302 of 2003, the Hon'ble Division Bench has held that, subsequent 12(3) settlement would govern the field. When the employees have entered into a settlement and in terms of the settlement, the management has to absorb them and only two of the workmen not having been found to be eligible and they have also not approached the management nor this Court. Therefore, in respect of them also, in view of the 12(3) settlement, nothing further survives to be adjudicated in the matter.

4. Accordingly, with the above observations, the writ petition is



W.P.No.19215 of 2005

disposed of. Consequently, connected miscellaneous petition is closed. No costs.

19.11.2024

Neutral Citation : Yes/No

ns1

To

1. The Secretary to Government
The Government of Tamilnadu,
Energy Department,
Chennai - 9.
2. The Secretary to Government,
The Government of Tamilnadu,
Energy Department,
Labour and Employment Department,
Chennai - 9.
3. The Inspector of Labour,
Erode.



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W.P.No.19215 of 2005

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.19215 of 2005

19.11.2024

Page 6 of 6