



W.P.No. 19359 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 19359 of 2005

and

W.M.P.No. 20937 of 2005

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

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department,
Chennai - 9.
2. The Government of Tamil Nadu,
Rep. by its Secretary to Labour and
Employment Department,
Chennai - 9.
3. The Inspector of Police,
Virudhunagar.
4. A. Rajarathinam
5. M.Ramachandran
6. M.Muthukaruppan
7. M.Thangamuthu



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8. S.Arjunan
9. S.Pandi
10. P.Radhakrishnan
11. V.Marimuthu
12. S.Udayachandran
13. L.Shanmugavel
14. A.Sowdandirapandi
15. M.Perumal
16. T.Gandhi
17. A. Dhanushkodi
18. M.Alagarsamy
19. K.Udaiyar
20. S.Gurusamy
21. A.Kazhukachalamoorthy
22. N.Nareshbabu
23. P.Thirumurugan
24. K.Kumaramangalam
25. V.Chittumanickam
26. V.Muthusami
27. G.Thaladiyan
28. T. Kannan
29. P.Vellaian
30. A.Veeran
31. A. Karuppasamy
32. P.Veeranan
33. M.Veeran
34. K.Raja
35. V. Vellaisamy
36. K.Solai
37. P.Asaithambi
38. J.Joseph
39. P.Devanesan
40. V.Nethirajan
41. S.Mariappan
42. S. Karuppaiah
43. M.Sakthivel



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44. K.Illangovan
45. S.Arumugam
46. T.Muniasamy
47. I.Karuppasamy
48. S.Malaisamy
49. M.Munisamy
50. M.Karuppaiah
51. S.Nagendran
52. G. Ayyakalai
53. M.Karuppaiah
54. N.Ravichandran
55. M.Subramnian
56. M.Chandrasekaran
57. J. Devakirubai
58. P.Rasu
59. M.Ramasamy
60. M.Jeyakumar
61. M.Murugavel
62. P.Chellamuthu
63. T.Muthukrishnan
64. R.Prakash
65. R.Kumar
66. M.Rajendran
67. R.Gajendran
68. M.Pandi
69. M.Vellaisamy
70. K.Deivendran
71. K.Alagumalai
72. P.Mohandass
73. K.Balaiah
74. R.Petchimuthu
75. V.Karuppasamy
76. D.Sundaramoorthy
77. P.Chidambaram
78. K.Palani
79. S.Kanagaraj



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80. R.Karunakaran
81. P.Gnanamuthu
82. M.Ariyan
83. N.Narayanan
84. A.Ramar
85. S.Damodaran
86. N.Gopi
87. S.Pandi
88. A.Kamalhasan
89. G.Radhakrishnan
90. K.Mookaiah
91. A.Muthupandi
92. A.Yogiakhan
93. A. Baskaran
94. S.Murugesan
95. S. Sellam
96. M.Paulpandi
97. P. Saravana Pandian
98. S.Tamilselvam
99. S.Karuppasamy
100. P.Janakiraman
101. The General Secretary,
Thozhilalargal Matrum Tamilnadu Minvariya
Uzhaippalargal Sangam,
State Head Office,
Vairam Plaza Siruthaiyur,
Lalgudi, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the third respondent relating to his proceedings dated 18.10.2004 and made in Na.Ka.No.A 8157/2004 and quash the same as illegal and without jurisdiction.



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For Petitioner	: Ms.S.B.Keerthan for M/s. Agam Legal
For R1 & R2	: Mr. K.Surendran Additional Government Pleader
For R3	: Labour Court
For R4 to R100	: Not ready in notice
For 101	: Notice served

ORDER

This writ petition is filed challenging the Award passed by the third respondent, Inspector of Labour dated 18.10.2004 under the Tamil Nadu Conferment of Permanent Status of Workman in Industrial Establishments Act. By the impugned award, totally 97 workmen were directed to be conferred permanent status. Those workmen are arrayed as respondents No. 4 to 100.

2. When the matter came up for hearing today, Ms.S.B.Keethana, 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 nine workmen involved in the present case namely respondent No.30, 36, 57, 65, 72, 80, 81, 91 & 95, everybody else have already been absorbed and they are working in the petitioner management and



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therefore nothing further survives in respect of them.

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

16.12.2024

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To

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

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