



W.P.No.8096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.8096 of 2022

and

W.M.P.No.8070 of 2022

- 1.D.Nageswaran
- 2.S.Kannan
- 3.A.Sanjay Gandhi
- 4.M.Kannapiran
- 5.M.Elumalai
- 6.M.Chandrasekar
- 7.K.Thangamani
- 8.A.Azhaguvel
- 9.M.Sivakumar
- 10.S.Murugan
- 11.S.Selvam
- 12.E.Settu
- 13.H.Samsudeen
- 14.V.Mahalakshmi
- 15.V.Subramani
- 16.P.Ayyappan
- 17.N.Jeevarathinam
- 18.Duraisami
- 19.E.Chandrasekar
- 20.K.Rajarathinam
- 21.S.Vijayakumar
- 22.D.Muthukumar
- 23.T.Robert
- 24.S.Bakiyaraj
- 25.M.Baskaran
- 26.J.Arokiya Raj
- 27.T.Sangeetha

... Petitioners



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Vs

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- 1.The Chairman,
TANGEDCO/TNEB Ltd.,
Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer (Personnel),
Electricity AURY,
No.144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer,
General construction circle,
Mannarpuram,
Trichy – 600 028.
- 4.The Superintending Engineer,
General construction circle,
TANTRANSCO (TNEB),
Trichy – 110 KV GRID SS CAMPUS,
Near Collectorate Office,
Trichy – 620 001.
- 5.The Executive Engineer,
Towerline Construction,
General Construction Circle,
Cuddalore.
- 6.The Executive Engineer,
Thanjavur Construction,
General Construction Circle,
Cuddalore.
- 7.The Executive Engineer,
General Construction circle,
Vizhupuram District.



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8.The Executive Engineer,
General Construction Circle,
Chidambaram,
Cuddalore District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings passed by the fourth respondent vide C.S.Nos.82, 80, 55, 70, 74, 69, 71, 75, 73, 76, 72, 77, 92, 81, 84, 14, 17, 42, 90, 78, 79, 37, 54, 59, 65, 66 and 67 under Letter No.0011/Admn.II/A.4/F.Court case/2021 dated 20.01.2021 passed in pursuance to the order dated 01.10.2020 by this Court in W.P.No.30714 of 2019 to quash the same and to direct the respondents to recognize the petitioners being the contract labourers to regular employment as per the B.P.No.9 dated 09.01.2008 in pursuance to the undertaking given before the Hon'ble Supreme Court on the report of Justice Khalid Commission so far as the petitioners are concerned.

For Petitioners : Mr.V.Manohar

For Respondents : Mr.G.Anandgopalan [R1 to R6]
No appearance [R7 & R8]

ORDER

This Writ petition is filed challenging the order dated 20.01.2021 passed in pursuance to the order dated 01.10.2020 by this Court in W.P.No.30714 of 2019 and to direct the respondents to recognize the



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petitioners being the contract labourers to regular employment as per the B.P.No.9 dated 09.01.2008 which was passed in pursuance to the undertaking given before the Hon'ble Supreme Court on the report of Justice Khalid Commission.

2. In the earlier round of litigation, this Court vide order dated 01.10.2020 issued certain directions to the respondent and the operative portion of the order is as follows :-

“(i) The petitioners shall submit their application to the Superintending Engineer, General Construction Circle, TANGEDCO, Trichy along with a copy of same to the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Eighth Floor, Eastern Wing, NPKRR Maligai, 144, Anna Salai, Chennai – 600 002 supported by relevant documents to substantiate their claim for absorption in service, on or before 06.11.2020.

(ii) If the concerned authority after the scrutiny of the application is not satisfied with the prescribed requirements or eligibility criteria for extending that benefit to the petitioners, the deficiencies in that regard shall be informed in writing to them requiring the same to be furnished within a time frame of not less than 10 working days that may be granted for that purpose.

(iii) In the event of the concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording opportunity of personal hearing to the petitioners to explain their position in that regard.

(iv) Thereafter, the application of the petitioners shall be considered by the concerned authority on merits and in accordance with law dealing with each of the contentions and



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a reasoned order shall be passed, which shall be communicated to the petitioners under written acknowledgement by 31.12.2020.

(v) The report of action taken shall be filed in the Registry of this Court by 06.01.2021.

Post the matter for further hearing and passing orders under the caption "Electricity Board – Conferment of Permanent Status cases' on 20.01.2021."

In pursuance of the aforesaid order, the impugned order was passed. Aggrieved by the impugned order, the petitioners have filed the above writ petition.

3. At the time of hearing, the learned counsel for the petitioner submitted that, there was gross violation of the order passed by this Court on 01.10.2020 in as much as the petitioners were not given opportunity of personal hearing and therefore, the learned counsel for the petitioners submitted that, it would suffice if the matter is remanded to the third respondent for fresh consideration in terms of the order passed by this Court dated 01.10.2020.

4. On the other hand, the learned counsel appearing on behalf of the respondents 1 to 6 submitted that, the directions of this Court in the



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aforesaid writ petition were strictly followed and thereafter, the impugned order was passed and he produced a copy of the notice dated 08.12.2020 calling upon the petitioners to attend the enquiry for a personal hearing. He therefore, submitted that the contention of the learned counsel for the petitioners was untenable and further submitted that as the grievances of the petitioners in the writ petition involved consideration of disputed questions of fact based on evidence, this Court exercising jurisdiction under Article 226 should not entertain the writ petition.

5. Heard the learned counsel appearing on behalf of the parties and also perused the materials available on record.

6. As already stated the issue is regarding the regularization of the petitioners, who are contract labours under the respondents. As rightly contended by the learned counsel for the respondents 1 to 6, the issue raised in the writ petition involves disputed question of facts, which needs examination of evidence and therefore, this Court is inclined to relegate the petitioners to the Labour Court for appropriate remedy. If any dispute is raised by the petitioners, the Labour Court shall pass orders on merits and in accordance with law.



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7. With the above direction, the writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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