



WEB COPY



W.P.No.9619 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.9619 of 2022

1.E.Sridharan
2.T.Venugopal
3.S.Karunagaran
4.E.Santhanam
5.G.Paramasivam
6.K.Murugan

... Petitioners

VS.

1.The Chairman,
TANGEDCO/TNEB Ltd.,
Annasalai,
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.



W.P.No.9619 of 2022

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,
Tanjavur Construction,
General Construction Circle,
Cuddalore.

7.The Executive Engineer,
General Construction Circle,
Viruthachalam,
Vizhupuram District.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings passed by the fourth respondent vide C.S.Nos.56,57,40,58,83 & 53 under Letter No.0011/Adm.II/A.4/F.Court case/2021 dated 20.01.2021 passed in pursuance to the order dated



W.P.No.9619 of 2022

01.10.2020 by the Hon'ble Court in W.P.Nos.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.A.P.Venkatesaprasad
for M/s.T.S.Gopalan & Co.

ORDER

This Writ Petition is filed with a prayer to call for the records pertaining to the impugned proceedings passed by the fourth respondent vide C.S.Nos.56,57,40,58,83 & 53 under Letter No.0011/Adm.II/A.4/F.Court case/2021 dated 20.01.2021, in pursuance to the order dated 01.10.2020 passed by this Court in W.P.Nos.30714 of 2019 and to quash the same and for consequential relief.

2. When the matter came up for hearing today, it could be seen that



W.P.No.9619 of 2022

earlier, in respect of the other persons connected to the same issue, a learned Single Judge of this Court had passed an order dated 19.03.2024 in W.P.No.8096 of 2022, holding that the petitioners therein have to approach the Labour Court for appropriate remedy. As a matter of fact, it can be seen that in an identical matter, in which the similarly situated workmen were involved, vide order dated 08.03.2024 in W.P.No.5245 of 2020 etc. batch, a Division Bench of this Court (to which, I am also one of the party) has held that since the entitlement was disputed, the petitioners therein shall approach the competent Labour Court or such other forum, as may be permissible in law. It is essential to extract Paragraphs 5 and 6 of the said order.

"5. There are rival contentions. We do not find any document placed on record to prove that the petitioners are working with the respondents. The petitioners are admittedly not paid ex gratia for the years 2005-2006 and 2006-2007, nor are they paid ex gratia for the year 2010-2011. In the absence of any document, it will not be possible to consider the case of the petitioners.

6. The petitioners may approach the competent Labour Court or such other forum as may be



permissible in law to agitate their grievances. In that event, all contentions of the petitioners and the respondents are kept open. "

3. Subsequently, in respect of the 27 other similarly situated persons, the said order has also been followed by a learned Single Judge in W.P.No.8096 of 2022 by an order dated 19.03.2024.

4. In view thereof, this Writ Petition is also disposed of on the following terms:

- The petitioners will be entitled to approach the competent Labour Court or such other forum, as may be permissible in law to agitate their grievances, in that event, all the contentions of the petitioners and the respondents are kept open. No Costs.

28.11.2024
(2/2)

Neutral Citation: Yes / No
Anu

To:

1. The Chairman,
TANGEDCO/TNEB Ltd.,
Annasalai,



W.P.No.9619 of 2022

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,
Tanjavur Construction,
General Construction Circle,
Cuddalore.

7.The Executive Engineer,
General Construction Circle,
Viruthachalam,
Vizhupuram District.

8.The Executive Engineer,



WEB COM

General Construction Circle,
Chidambaram,
Cuddalore District.



W.P.No.9619 of 2022

D.Bharatha Chakravarthy, J.
anu



WEB COPY



W.P.No.9619 of 2022

W.P.No.9619 of 2022

28.11.2024