



W.P.No.26753 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26753 of 2021

M.Krishnan

... Petitioner

Vs.

1.The Chief Engineer,
TANGEDCO, Estt.,
No.144, Anna Salai,
Chennai 600 002.

2.The Superintending Engineer,
Tirunelveli Electricity Distribution
Circle/Tirunelveli.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Tirunelveli 11.

4.The Junior Engineer,
Tamil Nadu Electricity Distribution,
Devarkulam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to regularize the service of the petitioner in the category of sweeper with effect from 01.01.1992 in accordance with the order dated 24.10.2008 passed by the Division Bench of this Court in W.P.No.46967 of 2002 by



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confirming the order of Labour Inspector dated 31.07.1996 in Petition No.8415 of 1995 with all consequential service and monetary benefits within a stipulated time.

For Petitioner : Ms.P.Saranya for
Ms.S.T.P.Kuilmozhi
For Respondents : Ms.N.Nilani Claire for
M/s. Agam Legal Associates

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to regularize the service of the petitioner in the category of sweeper with effect from 01.01.1992 in accordance with the order dated 24.10.2008 passed by the Division Bench of this Court in W.P.No.46967 of 2002 by confirming the order of Labour Inspector dated 31.07.1996 in Petition No.8415 of 1995 with all consequential service and monetary benefits within a stipulated time.

2. Heard Ms.P.Saranya, learned counsel for the petitioner and Ms.N.Nilani Claire, learned counsel for the respondents.

3. The petitioner was appointed as part-time sweeper by the fourth



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respondent on consolidated pay on 11.10.1989. After completion of 480 days of continuous service, he filed a petition in Pet.No.8415 of 1995 before the Labour Inspector and the Labour Inspector passed an order on 31.07.1996 to confer permanent status on the petitioner. Against the order of the Labour Inspector, the respondents 2 and 4 preferred a Writ Petition in W.P.No.46967 of 2002. The said Writ Petition also got dismissed by upholding the order of the Labour Inspector and it is observed in the said order that the order of the Labour Inspector conferring permanent status can be implemented only in accordance with 12(3) settlement. Therefore, the petitioner was entitled for permanent status from 01.01.1992. However, the order was not implemented and the respondents absorbed the petitioner as part-time conservancy worker. Since the petitioner omitted to initiate contempt proceedings within one year, he has filed this Writ Petition to regularise his services in the category of Sweeper with effect from 01.01.1992.

4. However it is claimed by the learned counsel for the respondents that the order passed by the Inspector of Labour was challenged in



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W.P.No.46967 of 2002 and the same was set aside and that it is no longer available to the benefit of the petitioner. Even according to the petitioner, the order passed in W.P.No.46967 of 2002 is final and it is binding the parties. However, it is submitted that if the petitioner does not fulfil the requirements of 12(3) settlement, he cannot be absorbed. But, no order has been passed by the respondents so far, despite the petitioner had given a representation.

5. In view of the above stated reasons, this Writ Petition is disposed. The respondents are directed to consider the representation of the petitioner in the light of the earlier judicial proceedings and also in the context of 12(3) settlement and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

16.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
gsk



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R.N.MANJULA, J.

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