



W.P.No.34257 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34257 of 2024

and

WMP.No.37099 of 2024

Tamil Nadu Minvariya Podhu Oppandha
Thozhilalargal Munnettra Sangam
Registration No.TNCHEJCLCHETU-50-24-00063
Represented by its General Secretary
Mr.G.Saravanan
No.15/6, Dhanraj First Street, Kumaran Nagar
Kolathur, Chennai 600 082.

... Petitioner

Vs.

- 1.The Principal Secretary
State of Tamil Nadu, Department of Energy
Fort St. George, Chennai 600 009.
- 2.The Principal Secretary
State of Tamil Nadu Department of Labour Welfare
Fort St.George, Chennai 600 009.
- 3.The Chairman and Managing Director
Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
144, Anna Salai, Chennai 600 002.
- 4.The Chief Engineer (Personal)



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Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
144, Anna Salai, Chennai 600 002.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to implement the awards obtained by the contract labourers/temporary workers being engaged in various divisions of the third and fourth respondents and ascertain their permanent status of employment forthwith and pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.B.Ram Prasath

For Respondents : Mr.K.Surendran for R1 & R2
Additional Government Pleader

ORDER

This Writ Petition is filed with the prayer of Writ of Mandamus directing the respondents to implement the awards obtained by the contract labourers/temporary workers be engaged in various divisions of the third and fourth respondents and ascertain their permanent status of employment forthwith and to pass such other suitable orders.



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2. The Writ Petitioner *Tamil Nadu Minvariya Podhu Oppandha Thozhilalargal Munnettra Sangam, Trade Union* is functioning in the respondent's organization. No doubt, the cause espoused by the trade union i.e., if any employee has got an award of the Inspector of Labour under the *Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981*, it has to be implemented. But, by way of an omnibus prayer, i.e., with reference to the employees who got the awards between 05.01.1998 to 10.05.2024, a single Writ Petition cannot be entertained and the management cannot be ordered to absorb all the 6788 employees, who have so far got awards of the Inspector of Labour in their favour. Each of the award has to be looked into by the Court as and when the employees come and orders have to be passed regarding implementation the awards. Some of them have also subsequently entered into a settlement under Section 12 (3) of the Industrial Dispute Act. Some of them have also been already absorbed. Therefore while keeping open the contentions of the trade union open, by way of an omnibus prayer, the Writ Petition under Article 226 of the Constitution of India, cannot be entertained. More specifically, when the workmen individually approached the Inspector of



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Labour and individual awards were passed in their personal names and when the dispute has not been raised by the Union, this is not a case, where in general, the Union can be permitted to file the Writ Petition with an omnibus prayer.

3. It would be extremely difficult to fathom which of the awards is implementable and where the respondent TANGEDGO has already filed Writ Petition challenging the same and where there are 12 (3) settlements etc. This can be ascertained and adjudicated only as and when the particular employee approaches the Court. Accordingly giving liberty to the individual Workman to approach this Court or any other appropriate forum if they got an award in their favour which is not implemented, this Writ Petition is not entertainable as it is with an omnibus prayer.

4. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.



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Neutral Citation : No
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To

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