



W.A.(MD).No.46 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

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- 1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
(Formerly known as Tamil Nadu
Electricity Board),
800, Anna Salai,
Chennai.
- 2.The Chief Engineer, (Recruitment),
Tamil Nadu Generation and
Distribution Corporation Limited,
(Formerly known as Tamil Nadu
Electricity Board),
800, Anna Salai,
Chennai.
- 3.The Superintending Engineer,
Karur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Limited,
(Formerly known as Tamil Nadu
Electricity Board),
Karur.

.. Appellants/Respondents 1 to 3

Vs.



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1.The Inspector of Labour,
Karur.

.. 1st Respondent/4th Respondent

2.M.Annadurai

.. 2nd Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 01.04.2015 passed in W.P.(MD).No.15852 of 2012.

For Appellants : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For R-1 : Mr.A.K.Manikkam
Special Government Pleader

For R-2 : No appearance

JUDGMENT

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Writ Appeal is filed by TANGEDCO being aggrieved by the order passed by the learned Single Judge in W.P.(MD).No.15852 of 2012 dated 01.04.2015.

2. It is the matter relating to conferment of permanent status to the second respondent workmen engaged by TANGEDCO. The second



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respondent, who is the writ petitioner, pleaded that he was appointed as a casual employee with effect from 01.11.1997 by TANGEDCO in Karur and Kulithalai Electricity Distribution Circle and having worked for more than 480 days in 24 calendar months, he is entitled to be conferred under permanent status. The Inspector of Labour, after considering the plea and the objections raised by the TANGEDCO claiming that the second respondent is working under contract and he is a contract labour and not a casual employee directly engaged by the TANGEDCO, negated the plea raised by the TANGEDCO. Similar Writ Petitions by the employee and Writ Petition by the TANGEDCO challenging the order of the Inspector of Labour were subject matter of challenge in the batch of Writ Petitions and Writ Appeals.

3. The learned counsel appearing for the appellants fairly concedes that all the issues have now been given quietus holding in favour of the employee subject to the condition that the conferment of permanent status shall be restricted to the number of days worked and not beyond that period. The learned counsel, relying upon the judgment of the Division Bench of this Court in the case of *Superintending Engineer, Erode Electricity*



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and others reported in 2022 SCC Online Mad 1003, would submit that in view of this judgment, various other Division Benches of this Court have disposed of the appeals preferred by the TANGEDCO with a clarification that the benefit as to the consequences thereupon would only be for the period of employment and if any of the workmen is discontinued or not in service, he would be entitled to the benefit only for the period of service and not beyond that and that too, ***after the completion of the continuous service of 480 days in 24 calendar months and not for the prior period.***

4. The number of days worked by the second respondent is a factual matter and the observation by the Division Bench of this Court in the judgment cited above, holds good to the second respondent also. With this observation, this Writ Appeal is disposed of. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
07.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To
The Inspector of Labour,
Karur.



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