



W.P.No.25996 of 2012

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W.P.No.25996 of 2012

MUMMINENI SUDHEER KUMAR, J.

This Writ Petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that there is a factual misstatement in paragraph 7 of the order dated 10.07.2025 passed in W.P.No.25996 of 2012, wherein it is mentioned thus :

“7.

Admittedly, all the petitioners were discontinued during the year 2008 and are not in service as on date. Once there exists disputed question facts, the same cannot be adjudicated in writ petition.”

Registry is directed to delete the same and modify paragraph number 7 as follows:

“7. As pointed out by the learned counsel for the respondent, the petitioners had already approached the Conciliate Officer under the provision of Industrial Disputes Act as early as in 2010. However, without pursuing the matter further



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*through appropriate Labour Court, the petitioners
have approached this Court seeking absorption.”*

3. The Registry is directed to carry out the above said correction
and issue fresh order copy.

26.08.2025

mtl



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MUMMINENI SUDHEER KUMAR, J.

mtl

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26.08.2025



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WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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1.Valavarasu
2.R.Selvakumar
3.Thilagan
4.P.Murgesan
5.M.Kumar
6.G.Saravanan
7.Sivasankaran
8.Ilavarasan

... Petitioners

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai – 2.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board/
Tamilnadu Generation and Distribution Corporation (TANGEDCO),
144, Anna Salai,
Chennai – 2.

3.Tamil Nadu Electricity Board,
Rep.by its Secretary
144, Anna Salai,
Chennai – 2.



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4.The Junior Engineer,
O/M/South/TANGEDCO
Orathanadu - 614 625,
Tanjore District.

5.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Orathanadu,
Tanjore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to absorb the petitioners as a permanent employees of the first respondent.

For Petitioners : Ms.M.S.Abarna
for M/s.R.N.Amarnath

For Respondents : Mr.Venkatesh Prasad
for M/s.T.S.Gopalan Associates

ORDER

This Writ Petition has been filed by the petitioners seeking a Writ of Mandamus, directing the first respondent to absorb them as permanent employees and to pass appropriate orders.

2. The claim of the petitioners is that they were engaged as



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contract labourers by the respondent Board during the years 2003 to 2007. However, while implementing the settlement entered into under Section 12 (3) of the Industrial Disputes Act, 1947, their names were omitted on the ground that they were not paid exgratia. According to them, though the petitioners had worked continuously for a period of three months during the years 2005 to 2007, they were deprived of absorption and regular service in the Board. Hence, they are seeking a direction to the first respondent Board to absorb them as permanent employees.

3. The respondent filed a counter affidavit contending that the petitioners had never worked continuously for a period of three months during the years 2005 to 2007 and therefore, the relevant committee constituted under 12(3) settlement did not identify the petitioners as contract labourers. Therefore, the petitioners were not absorbed and they are not entitled for absorption.

4. Further, it is also contended by the learned counsel for the



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5. The learned counsel appearing for the petitioners submitted that the 1st petitioner was subsequently reappointed through proceedings No.84-318/2021 dated 26.02.2021 and that petitioners 2 and 5 passed away during the pendency of the writ petition.

6. In the light of the above submissions made on either side, it is clear that there exists a dispute involving factual aspects. While the petitioners claim that they had worked continuously for three months during the period from 2005 to 2007, the respondent disputes the same. Such disputed questions of facts cannot be adjudicated in a Writ Petition filed under Article 226 of Constitution of India.



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WEB COPY 7. As pointed out by the learned counsel for the respondent, the petitioners had already approached the Conciliation Officer under the provision of Industrial Disputes Act as early as in 2010. However, without pursuing the matter further through appropriate Labour Court, the petitioners have approached this Court seeking absorption. Admittedly, all the petitioners were discontinued during the year 2008 and are not in service as on date. Once there exists disputed question facts, the same cannot be adjudicated in a writ petition.

8. In such circumstances, the **Writ Petition is dismissed**. There shall be no order as to costs. However, the petitioners are at liberty to approach the appropriate forum / Labour Court, if they have any grievance regarding non-absorption.

10.07.2025

rpl
Index : Yes/No
Speaking Order : Yes/No



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To:
1.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai~2

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board/
Tamilnadu Generation and Distribution Corporation (TANGEDCO),
144, Anna Salai,
Chennai~2

3.The Secretary,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai~2

4.The Junior Engineer,
O/M/South/TANGEDCO
Orathanadu~614 625,
Tanjore District.

5.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Orathanadu,
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