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W.P.No.6235 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2025

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6235 of 2015

M.P.No.1 of 2015

W.M.P.No.14916 of 2025

The Superintending Engineer,
TANGEDCO,
TEDC/Tiruvannamalai
Tiruvannamalai – 606 604.

...Petitioner

Vs.

1.The Inspector of Labour,
Tiruvannamalai
Tiruvannamalai District.

- 2.R.Madhulingam
- 3.D.selvam
- 4.C.Chinnathambi
- 5.B.Sivaraj
- 6.G.Shanmugam
- 7.M.Chinnasamy
- 8.M.Thippan
- 9.R.Hari
- 10.N.G.Durvasan
- 11.J.Thottayan
- 12.G.Malligarjunan
- 13.K.Palani
- 14.M.Perumal
- 15.R.EswaraRao
- 16.E.Balamurugan
- 17.E.Arrivalagan
- 18.S.P.Jagadesan
- 19.K.Ramesh

1/6



W.P.No.6235 of 2015

20.R.Senthilkumar
21.P.V.Dhayeswaran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari or any other appropriate Writ, direction or order, calling for the records of the 1st respondent, relating to his proceedings, No.Na.Ka.E.3277/2013 dated 18.02.2014 directing the petitioner to confer permanent status to the respondents 2 to 21 as workers in Tamil Nadu Electricity Board and quash the same as illegal.

For Petitioner : Mr.Anand Gopalan for
M/s.Agam Legal Advocates
For Respondents : Mr.A.M.Ayyappan
Government Advocate for R1
Mr.K.Chandru for
R2 to R7, R10 to R14, R16 to R18 and R21
R8, R9, R19, R20 (Notice served)
R15 (Not ready in notice)

ORDER

This Writ Petition is filed challenging the impugned order dated 18.02.2014 passed by the Inspector of Labour, Tiruvannamalai, in Na.Ka.E.3277/2013.

2.By the said order the Inspector of Labour has exercised his powers under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and had ordered conferment of permanent status in respect of the twenty workmen mentioned in the said order. It can be seen that in the application filed by the workmen, the workmen called themselves as daily wagers and at some places they describe themselves as daily wagers and in their affidavits



W.P.No.6235 of 2015

filed before the Inspector they submit that they are directly employed by the Junior Engineer and they are paid by the Junior Engineer. However, in support thereof only a certificate that is given by a contractor third party is produced.

3.Mr.Anand Gopalan, the learned counsel appearing on behalf of the petitioner would submit that once the petitioner let in evidence that they are only the contract labour, then as per the dictum of the Division Bench of this Court in ***Superintending Engineer, Erode Electricity Distribution Circle, TNEB Vs. Inspector of Labour and others (2022 SCC Online Mad 1003)*** the Inspector of Labour does not have the jurisdiction to decide the larger issues which travel beyond the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. As the question whether the claim of contract labour is sham and nominal to believe under the Contract Labour Abolition and Regulation Act and such a power would be available only to the Industrial Tribunal when they deal with the dispute that is raised and the Inspector of Labour cannot travel beyond the scope of the Act.

4.I have considered the said submissions made by the learned counsel for the petitioner.



W.P.No.6235 of 2015

WEB COPY

5.Before going into the question of jurisdiction, firstly it can be seen that the petitions are filed in the year 2013. The certificate of contractor is only for the period 1996 to 2005. It is not known whether thereafter the petitioner plead that they continue to be in service and if they continue to be in direct service, and if so what is the date of completion of 480 days. The application is also bereft of particulars and even the order of the Inspector of Labour, Tiruvannamalai, does not state about their state of affairs as on date of the application, whether they are continuing in employment or not.

6.Per contra, it is the contention of the learned counsel for the petitioner that they never reported for work after the year 2005 and at present or at the time of filing of the petition they were not under the employment of the Tamil Nadu Electricity Board. Even before this Court when notice is issued, the respondents have not turned up and in fact for several of them notice was served only through substituted service. No other petition is also filed claiming the benefit under the award that is passed by the Inspector of Labour. They have not also sent any representation to the Electricity Board requesting reinstatement or employment.

7.Considering all the above, I am of the view that the order passed by the Inspector of Labour lacks the particulars and the question if they are only under



W.P.No.6235 of 2015

the contractor and never worked directly under the Junior Engineer all have to be considered by the Inspector of Labour.

8.For all the above reasons, the impugned order dated 18.02.2014 passed in Na.Ka.E.3277/2013 shall stands set aside and the matter is remanded back to the file of the Inspector of Labour, Tiruvannamalai, for further enquiry. It is made clear that the petitioner shall appear before the Inspector of Labour, Tiruvannamalai, on 12.01.2026 or at any date sooner thereafter fixed by the Inspector of Labour, Tiruvannamalai and lead such evidence with respect to their service which is including all the fact about their joining dates of service, mode of employment, mode of payment of wages, when the employment commenced, whether it is ceased or whether they are continuing in service etc., and it will be open for the petitioner / TANGEDCO to let in such evidence as they think it fit and thereafter Inspector of Labour, Tiruvannamalai, shall consider the evidence on record and decide the matter in accordance with law.



WEB COPY



W.P.No.6235 of 2015

D.BHARATHA CHAKRAVARTHY, J.,

9.With the above observations and directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions stand closed. No costs.

02.12.2025

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Neutral citation : Yes/No

To

1.The Inspector of Labour,
Tiruvanamalai
Tiruvannamalai District.

2.The Public Prosecutor
High Court of Madras

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