



W.P.No.8932 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8932 of 2014

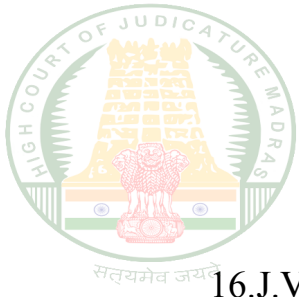
The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai.

... Petitioner

Vs.

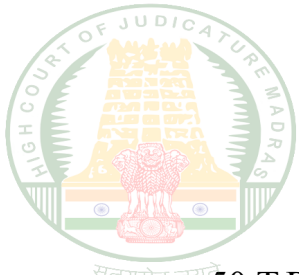
1.The Presiding Officer,
Additional Labour Court, Vellore.

- 2.P.Kasi
- 3.R.Govindaraj
- 4.S.Sekar
- 5.A.Ravichandran
- 6.G.Rajagopal
- 7.A.Mohan
- 8.A.Kandasamy
- 9.V.Arumugam
- 10.K.Karthikeyan
- 11.K.Ramalingam
- 12.V.Purusothaman
- 13.G.Krunagaran
- 14.C.Panner Selvam
- 15.C.Sekar



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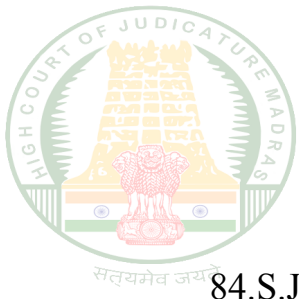
- 16.J.Vijayanand
17.R.Raman
18.R.Parasuraman
19.M.Mahavishnu
20.K.Arumugam
21.C.Karunanithi
22.A.Govindasamy
23.K.G.Selvam
24.V.Balu
25.S.Sankar
26.P.Kumar
27.R.Rajkumar
28.P.Manickam
29.G.Subramani
30.A.Annamalai
31.S.Arikrishnan
32.C.Muniyan
33.K.Vilvanathan
34.K.Sampath
35.S.Ayyan
36.P.Rajan Yesaiya
37.R.Rangan
38.K.Venkadesan
39.R.Chinnapayan
40.R.Selvakumar
41.M.Ramar
42.V.Gopinath
43.K.Kumaresan
44.S.Saravanan
45.V.Murugan
46.K.Ramu
47.R.Vijayan
48.V.Gunasekaran
49.K.Krishnan



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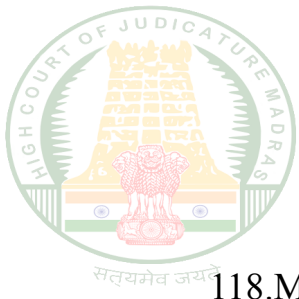
- 50.T.Ramajayam
- 51.D.Sivaprakasam
- 52.S.Krishnan
- 53.K.Nadarajan
- 54.C.Ramachandran
- 55.P.Vijayakumar
- 56.K.Sekar
- 57.A.Gopinath
- 58.A.Arunachalam
- 59.M.Sakthivel
- 60.V.Srinivasan
- 61.P.Vetrivel
- 62.M.Gurusamy
- 63.M.Shanmugam
- 64.N.Subramanian
- 65.K.Pughazhendi.
- 66.D.Appandaraju
- 67.M.Shanmugam
- 68.U.Narayanasamy
- 69.G.Elumalai
- 70.P.Thirumal
- 71.V.Muthusamy
- 72.K.Elumalai
- 73.S.Natarajan
- 74.N.Shanmugam
- 75.A.Andi
- 76.K.Rajendiren
- 77.P.Chinnadurai
- 78.T.Elumalai
- 79.S.Karthikeyan
- 80.G.Mani
- 81.C.Mannarsamy
- 82.B.Kandeepan
- 83.G.Velu



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- 84.S.Jayakodi
- 85.G.Subramanian
- 86.G.Vasudevan
- 87.K.Thanjiyappan
- 88.K.Chinnapaiyan
- 89.K.Mohanasundaram
- 90.MR.M.Ravichandran
- 91.R.Pachayappan
- 92.K.Venkatesan
- 93.K.Perumal
- 94.T.Velan
- 95.V.Subramanian
- 96.N.Arjunan
- 97.S.Jayapal
- 98.R.Kumar
- 99.N.Srinivasan
- 100.S.Chinasamy
- 101.S.Kannan
- 102.S.Ramakrishnan
- 103.K.Jayachandiran
- 104.K.Vijayaraj
- 105.S.K.Akbar Ali
- 106.S.Kubendiran
- 107.V.Elumalai
- 108.K.Kamaraj
- 109.V.Kuppusamy
- 110.K.Manjula
- 111.K.Magadevan
- 112.V.Vasudevan
- 113.K.Vellayutham
- 114.S.Subramanian
- 115.L.Chinnathambi
- 116.M.Kumar
- 117.S.Rajendran



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118.M.Kanniappan
119.M.Subramanian

120.S.Jayapal
121.M.Mathan
122.P.Thirumalai
123.C.Krishnan
124.M.Murugesan
125.C.Thayalan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the common award passed by the first respondent made in C.P.Nos.374 412/2003, 430 to 454 of 2003, C.P.Nos.455 to 470 of 2003, C.P.Nos.513 to 520 of 2003, C.P.Nos.522 to 527 of 2003, C.P.Nos.674 & 675 of 2003, C.P.Nos.727 to 735 of 2003, C.P.Nos.3 to 8 of 2004, C.P.Nos.41 to 48 of 2004, C.P.Nos.80 and 81 of 2004, C.P.Nos.93 to 95 of 2004 dated 15.03.2010, quash the same.

For Petitioner : Mr.Anand Gopalan
for M/s.AGAM Legal

For Respondent : R1-Court
R2, R3, R47, R51 and R73-Disd
(steps due)
Mr.B.Manoharan for R55 and R123
No appearance for
R4, R7, R9, R10, R17, R19 to R31,
R33, R35 to R46, R48, R49, R52 to
R54, R56, R57, R59 to R67, R69 to
R72, R74 to R106, R108 to R114,



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R117 to R120, R122 to R125
No representation for R5, R6, R8,
R18, R58, R68, R107, R115 an R50

ORDER

This Writ Petition has been filed by the Tamil Nadu Generation and Distribution Corporation Limited, challenging the common award dated 15.03.2010 passed by the first respondent in C.P.Nos.374 to 412 of 2003, 430 to 454 of 2003, 455 to 470 of 2003, 513 to 520 of 2003, 522 to 527 of 2003, 674 & 675 of 2003, 727 to 735 of 2003, 3 to 8 of 2004, 41 to 48 of 2004, 80 and 81 of 2004 and 93 to 95 of 2004

2. The short facts are that the respondents/employees were employed as contract labourers. They filed computation petitions under Section 33(C)(2) of the Industrial Disputes Act claiming monetary benefits for difference of pay due to conferment of permanency. The Labour Court, after taking into consideration that the order passed by the Inspector of Labour, Tiruvnnamalai, has been appealed by the Tamil Nadu Electricity Board in a batch of writ petition Nos.8224 of 1999 etc., which was



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dismissed by this Court, held that the employees are entitled for monetary benefits as that of the permanent employees. Holding so, the computation petitions were allowed. Challenging the same, the present Writ Petition has been filed.

3. This Court had an occasion to deal with the similar issue in W.P.Nos.19181 & 19182 of 2014 & 1323 of 2018, wherein this Court passed the following order:

9. As regards W.P.No.1323 of 2018, the prayer of the petitioners is to implement the award passed by the Labour Court dated 13.09.2010 and to make them permanent employees with all attendant benefits. There are umpteen number of orders passed on this issue. This Court vide order dated 08.09.2013 had an occasion to deal with similar issue.

10. This Court has held as follows:

41. After receiving the representations, the manner in which the same have been dealt with is nothing but an act of wilful contempt perpetrated by the respondents. When the order in W.P. No.16841/16,



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etc. was passed, there was a clear direction that the order of the Inspector of Labour had become final and that the petitioners have to be given the benefit of the said order. Even after filing of W.P. No.11932 to 11937/18, for the same lis, the order passed in the earlier petitions would stand merged with the later order and, therefore, for all purposes, the direction in W.P. Nos. 11932 to 11937/18 should be read in conjunction with the order passed in W.P. No.16841/16 and not in isolation. However, isolating the order in W.P. Nos.11932 to 11937/18, the respondents have literally sat over in appeal over the orders passed by the Division Bench as well as the learned single Judge of this Court, which necessarily warrants the invocation of an action for contempt, but judicial decorum makes this Court to desist from imploding much further on this.

42. One other aspect that is to be noted here is that the Inspector of Labour had given a finding that the petitioners have worked for 480 days in a period of 24 calendar months and that finding having allowed to attain finality, it does not lie in the mouth of the respondents to render a



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finding in the impugned order that the petitioners have not worked continuously, but intermittently and that had they been engaged regularly, they would have been identified by the Committee. Such a finding is wholly perverse, unreasonable, given the fact the Division Bench of this Court had dismissed the petitions filed by the respondents against the order granting permanent status. The respondents had no authority to sit in appeal over the order passed by the Division Bench and such an order is an direct affront on the orders passed by a constitutional court. Further the act is an abhorrent act, which no constitutional court would keep silent without interfering with the same.

43. When once the order of the Inspector of Labour dated 30.08.2004 stood merged with the order of the Division Bench dated 24.10.2008, which was approved and followed in W.P. No.16841/16, etc., the only course open to the respondents is to abide by the orders passed in favour of the petitioners and accordingly grant them permanent status and the present impugned



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order rejecting their claim for permanent status is wholly illegal and it definitely warrants interference at the hands of this Court.

44. The decision relied on by the learned counsel for the respondents would in no way advance the case of the respondents, as this is a clear case of violation of the orders passed by this Court, which has been bent to suit the needs of the respondents. Further, the facts in the decision relied on is in no way importable to the present case on hand and, therefore, the same does not require threadbare discussion.

45. In the result, the impugned order passed by the 3rd respondent is set aside and the writ petitions are allowed directing the respondents to accommodate the petitioners terms with the settlement u/s 18 (1) in the appropriate position befitting the nature of employment hitherto performed by them and they shall be paid corresponding scale of wages/scales, benefits in line with the directions issued by the Division Bench in W.A. No.1302/2003. Orders shall be passed within a period of two weeks from the date



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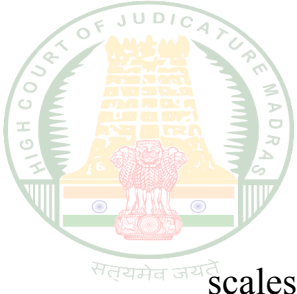


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of receipt of a copy of this order. However, it is made clear that the petitioners would not be entitled for any backwages or continuity of service.

11. Following the above, W.P.No.1323 of 2018 is disposed of with a direction to the Tamil Nadu Generation and Distribution Corporation to accommodate the petitioners in terms with settlement under Section 18(1) in the appropriate position benefitting the nature of employment hitherto performed by them and they shall be paid corresponding scale of wages / scales, benefits in line with the directions issued by the Division Bench in W.A.No.1302 of 2003. Orders shall be passed within a period of two weeks from the date of receipt of a copy of this order. However, it is made clear that the petitioners would not be entitled for any backwages or continuity of service."

4. Following the above, this Writ Petition is disposed of with a direction to the Tamil Nadu Generation and Distribution Corporation to accommodate the respondents in terms of settlement under Section 18(1) in the appropriate position benefitting the nature of employment hitherto performed by them and they shall be paid corresponding scale of wages /



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scales, benefits in line with the directions issued by the Division Bench in W.A.No.1302 of 2003. Orders shall be passed within a period of two weeks from the date of receipt of a copy of this order. However, it is made clear that the respondents would not be entitled for any backwages or continuity of service. There shall be no order as to costs.

25.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
Additional Labour Court, Vellore.



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M.DHANDAPANI, J.

ssb

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