



W.P.No.17677 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.17677 of 2018

and

WMP.No.20944 of 2018

The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited.,
Formerly known as Tamil Nadu Electricity Board,
Chengalpattu Electricity Distribution Circle,
Chengalpattu.

...Petitioner

Vs.

1. The Presiding Officer,
Industrial Tribunal,
Chennai – 104.
2. The Secretary,
Tamil Nadu Min OozhiyarMathiyaAmalppu
Chengalpattu Min PakirmanaVattam,
Chengalpattu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
to issue a Writ of Certiorari, calling for the records of the 1st respondent in
I.D.No.10 of 2009 and quash its Award dated 28.01.2016.



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W.P.No.17677 of 2018

For Petitioner : Mr.Aadarsh Lavin
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.K.Elango, for R2
R1 – Tribunal

ORDER

This Writ petition has been filed seeking quashment of the award of the 1st respondent made in I.D.No.10 of 2009 dated 28.01.2016.

2. The case of the petitioner is that, aggrieved by the abolition of the Post of Mazdoor, vide B.P.No.36 dated 24.10.1985 and the subsequent B.P.No.38 dated 23.05.1986 prescribing qualifications for entry level post of helper as NTC/NAC (ITI), the NMR labourers and casuals filed Writ petition before this Court, in which, an application was made that the Board should not make direct appointment of ITI Certificate holders as Helpers and this Court issued a direction that fresh appointments would be subject to the rights of NMR labourers and casuals. In the year 1989, the Chief Engineer (Personnel) issued a circular stating that the directly recruited Helpers may be regularised from the date they entered into service. Subsequently, the qualified helpers numbering 175 opted for the promotion from Commercial



W.P.No.17677 of 2018

side than Technical side. While so, one Ambaladoss, who was appointed as Helper in 1987, opted for Commercial Assistant in the year 1990 and later was promoted as Commercial Inspector. In the year 1992, when vacancies in the post of Commercial Assistants arose, out of qualified Helpers, 58 persons including one M.Rajendran and one V.Ravindran opted for promotion on Commercial Side. The said M.Rajendran filed a Writ petition before this Court stating that he should have been promoted as Commercial Assistant even as early as in the year 1990 as like the said Ambaladoss and sought to consider his promotion with effect from that date and this Court, vide order dated 24.07.1998 directed the Board to consider his representation. Pursuant to the same, the Board, after considering the case of 58 persons other than the said M.Rajendran, promoted them as Commercial Inspectors on 18.01.1995. By settlement dated 31.12.1993, it was agreed that the separate channel of promotion would be discontinued for Commercial Assistant-Commercial Inspector. Accordingly, B.P.No.106 dated 09.04.1996 was brought into force introducing single channel of promotion for RWE employees in Distribution circles, which was subsequently stayed by this Court. In such circumstance, the 2nd respondent claimed that in respect of few of their members who were seniors to the said V.Ravindran and 58



W.P.No.17677 of 2018

others should be placed above them in the list of seniority and for the post of

Wireman, a fresh list should be drawn and initiated a conciliation proceedings and as the same ended in failure, the same was referred to the 1st respondent and the same was taken on file as I.D.No.10 of 2009 and the 1st respondent, vide impugned award dated 28.01.2016 countenanced the demand of the 2nd respondent union. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, the Industrial Tribunal without ascertaining the entry and subsequent promotion of Mr.V.Ravindran and 58 others, issued a general direction to fix seniority in between the persons who possess technical qualification and who does not possess technical qualification such as ITI Certificate which is not sustainable that too without impleading the persons who are likely to be affected by such seniority list. Hence, on the sole ground, the learned counsel for the petitioner sought for setting aside the impugned order.

4. Per contra, the learned counsel appearing on behalf of the 2nd respondent submitted that if this Court deems it fit to set aside the impugned



W.P.No.17677 of 2018

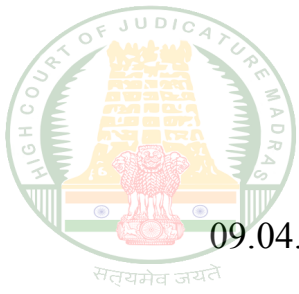
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order of the 1st respondent dated 28.01.2016 made in I.D.No.10 of 2009 and remand the matter back to the Industrial Tribunal for fresh consideration, liberty may be given to the 2nd respondent to implead the persons who are likely to be affected by the seniority list and canvass all its points before the Tribunal.

5. Heard learned counsel on either side and perused the materials available on record.

6. In view of the fair submission made by the learned counsel on either side, this Court, without going into the merits of the case, is inclined to set aside impugned order of the 1st respondent on the sole ground of non-impleading of the necessary parties.

7. Accordingly, the impugned order of the 1st respondent dated 28.01.2016 made in I.D.No.10 of 2009 is set aside and the matter is remanded to the 1st respondent/Industrial Tribunal for fresh adjudication. The 2nd respondent is directed to implead the persons who are likely to be affected by the seniority list to be issued in terms of B.P.No.106 dated



W.P.No.17677 of 2018

09.04.1996. Upon impleading of such persons, the Industrial Tribunal may hear the parties and pass appropriate orders on merits and in accordance with law and dispose of the said dispute as expeditiously as possible.

8. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.04.2025

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

To

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W.P.No.17677 of 2018

M.DHANDAPANI, J.

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W.P.No.17677 of 2018
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