



W.P.Nos.19181 & 19182 of 2014 & 1323 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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

W.P.Nos.19181 & 19182 of 2014 & 1323 of 2018

and

M.P.Nos.2 (2 Nos) of 2014 & W.M.P.Nos.1702 & 1703 of 2018 & 4870
of 2018

W.P.Nos.19181 & 19182 of 2014

The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Limited,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai. ...Petitioner in both W.P.s

Vs.

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

2. R.Elumalai

3. J.Mahesh

...Respondents in W.P.No.19181 of 2014

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

2. A.Gandhi

3. P.Baskaran

4. G.Sugandharaj

5. P.Venkatesan

6. R.Kuppusamy

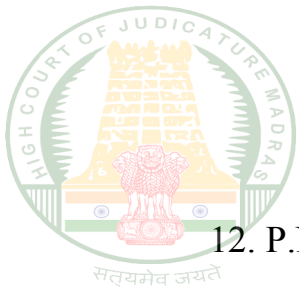
7. G.Gnanajothi

8. R.Prabhakaran

9. P.G.Vasudevan

10. G.Subramanian

11. E.Ramesh



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12. P.Nallathambi

...Respondents in W.P.No.19182 of 2014

WEB CO W.P.No.1323 of 2018

1. A.Gandhi
2. P.Baskaran
3. G.Sungandharaj
4. R.Prabakaran

...Petitioners in W.P.No.1323 of 2018

Vs

1. The Tamilnadu Generation and Distribution Corporation Limited,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer (Personnel),
The Tamilnadu Generation and Distribution Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.
3. The Superintending Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai.
4. The Presiding Officer,
Additional Labour Court,
Vellore.

...Respondents in W.P.No.1323 of 2018

W.P.Nos.19181 & 19182 of 2014: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the common award passed by the first respondent made in C.P.Nos.47 & 49 of 2010 and C.P.Nos.67 to 72 of 2009, C.P.Nos.80 to 82 of 2009, C.P.Nos.95 & 96 of 2009 dated 23.02.2011 & 13.09.2010 respectively, quash the same.

W.P.No. 1323 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the



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respondents 1 to 3 to implement the common order dated 13.09.2010 in C.P.Nos.67 to 72 of 2009, C.P.Nos.80 to 82 of 2009, C.P.No.95 of 2009 and C.P.No.96 of 2009 passed by the learned Additional Labour Court, Vellore and thereby direct the respondents 1 to 3 to absorb the petitioners in service as permanent employees in the first respondent Corporation, with all attendant benefits.

W.P.No.19181 of 2014:

For Petitioner : M/s.G.Anandakrishnan for
M/s.T.S.Gopalan & Co.

For Respondents : Mr.N.Suresh for R3
No appearance for R2
Court - R1

W.P.No.19182 of 2014:

For Petitioner : M/s.G.Anandakrishnan for
M/s.T.S.Gopalan & Co.

For Respondents : Mr.R.Rajesh for R2 to R5 & R8
Not ready in Notice for R9 to R12
Mr.N.Suresh for R6 & R7

W.P.No.1323 of 2018:

For Petitioners : M/s.S.Ambigapathi

For Respondents : Mr.G.Anandakrishnan for
M/s.T.S.Gopalan & Co.

COMMON ORDER

The issue involved in these three writ petitions are one and the same, hence, they are disposed of by way of this common order.



W.P.Nos.19181 & 19182 of 2014 & 1323 of 2018

WEB COPY 2. W.P.Nos19181 & 19182 of 2014 are filed by the Tamil Nadu Generation and Distribution Corporation (in short 'TANGEDCO') Limited impugned the order passed by the Labour Court failure in the computation petitions filed by the respondent workmen in respective writ petitions.

3. W.P.No.1323 of 2018 is filed by the workman seeking a direction upon the TANGEDCO to implement the award passed by the Labour Court and to absorb him as a permanent employee.

4. The short facts are that the employees were employed as contract labourers having served for more than a decade. They filed application before the Inspector of Labour seeking permanency of their services under Section 3 of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. Thereafter, the workmen sent a representation to Superintending Engineer of Tamil Nadu Electricity Board seeking the same relief. However, the Electricity Board slept over the matter and no orders were passed. The Inspector of Labour passed an order directing the Electricity Board to absorb the



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workmen into services. The Inspector of Labour had discussed in his order the writ petitions filed by the parties and the ultimate decision of the Division Bench directing the Electricity Board to absorb the workmen. The Electricity Board has fairly accepted the affidavit filed in support of the writ petitions that the special leave petition filed by them against the judgment the Division Bench was also dismissed. The Electricity Board, also before the Labour Court had chosen not to examine any witness or marked any documents. The Labour Court on an analysis of the entire materials available before it held that the workmen must be regularised as Helper from the date of order of Inspector of Labour and the workmen are also entitled to claim the monetary benefits. Challenging the said order W.P.Nos.19181 and 19182 of 2014 are filed by the Electricity Board.

5. Having heard the learned counsel for the parties, this Court is not inclined to disturb the findings arrived at by the Labour Court.

6. Having kept mum before the Labour Court and not examined any witnesses or marked any documents, the Electricity Board is now hotly contesting the award passed by the Labour Court.



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WEB COPY 7. The Electricity Board is directed to approach the Labour Court and produce a calculation sheet in respect of the workmen with regard to the monetary benefits that they are entitled to. On such filing of documents by the TANGEDCO, the Labour Court is directed to consider the same and dispose of the applications within a period of three (3) months from the date of filing of such documents.

8. W.P.Nos.19181 and 19182 of 2014 are disposed of on the above terms.

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*



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with is nothing but an act of wilful contempt perpetrated by the respondents. When the order in W.P. No.16841/16, 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



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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 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



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passed in favour of the petitioners and accordingly grant them permanent status and the present impugned 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



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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.

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.

12. In result all the above writ petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

03.03.2025

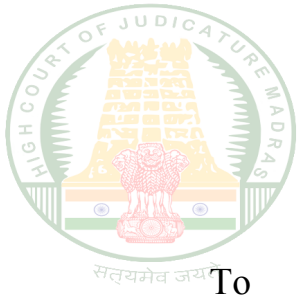
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Speaking Order : Yes/ No

Index : Yes/ No

NCC : Yes/ No

10/12



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To
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Additional Labour Court, Vellore.
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M.DHANDAPANI., J.

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