



W.P. Nos.4071 and 4124 of 2016

THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.08.2025

CORAM:

THE HON'BLE MR. JUSTICE K. SURENDER

W.P. Nos.4071 and 4124 of 2016
and
W.M.P. Nos.3411 and 3452 of 2016

M.Govindaraj

... Petitioner in

W.P. No.4071 of 2016

V. Vadivel

... Petitioner in

W.P. No.4124 of 2016

-Vs-

1. The Tamil Nadu Electricity Generation and Distribution

Corporation Ltd., (TANGEDCO),

Rep by its Chairman,

No.144, Anna Salai,

Chennai 600 002

2. The Chief Engineer (Personnel),

TANGEDCO,

8th Floor, NPKRR Maaligai,

No.144, Anna Salai,

Chennai 600 002.



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3. The Superintendent Engineer,

TANGEDCO,

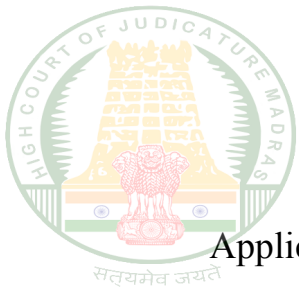
Mettur Dam - 1,

Salem District.

... Respondents

Prayer in W.P. No.4071 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, for Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd Respondent in Letter No.062747/691/G.65/G.651/2015-6 dated 21/11/2015 and to QUASH the same and consequently direct the Respondents to implement the award passed by the Labour Officer, Namakkal, in Permanent Absorption Application No.1765 of 2007 dated 02/04/2008 passed under the provisions of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and consequently to absorb the Petitioner in Board Service on permanent basis on par with other similarly placed persons with all consequential and other attendant benefits, within a time frame to be fixed by this Court and to pass such further or other order/s as this Court may deem fit and proper.

Prayer in W.P. No.4124 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, for Writ of CERTIORARIFIED MANDAMUS to call for the records relating to the impugned proceedings issued by the 2nd Respondent in Letter No.062747/691/G.65/G.651/2015-5 dated 21/11/2015 and to QUASH the same and consequently direct the Respondents to implement the award passed by the Labour Officer, Namakkal, in Permanent Absorption



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Application No.1765 of 2007 dated 02/04/2008 passed under the provisions of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and consequently to absorb the Petitioner in Board Service on permanent basis on par with other similarly placed persons with all consequential and other attendant benefits, within a time frame to be fixed by this Court and to pass such further or other order/s as this Court may deem fit and proper.

For Petitioner in both W.P.s : Mr.J. Jayamalan
for Ms.S. Nedunchezhiyan

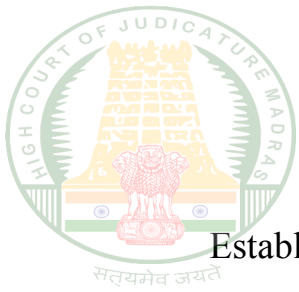
For Respondents in both W.P.s : Mr. Anandagopalan
for
M/s.T.S. Gopalan & Co.

COMMON ORDER

Since the issue involved in both these writ petitions is one and the same, these writ petitions are disposed of by way of a common order.

2. The case of the petitioners in brief are as under :-

It is stated that during the year 1999, the petitioners were appointed as Contract Labourers in the 3rd respondent office in Mettur Division. It is their contention that they have completed more than 480 days of continuous service and as such, they seek for conferment of permanent status as per the provisions of Tamil Nadu Industrial



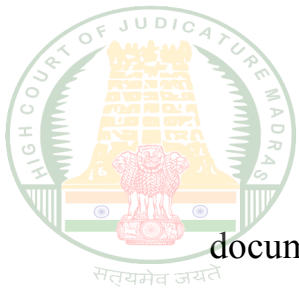
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Establishments (Conferment of Permanent Status to Workment) Act,

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1981. It is stated that earlier, the competent authority viz., the Inspector of Labour has passed orders for conferment of permanent status for similarly placed persons. When that be so, the petitioners herein have also approached the respondents and submitted their representations in the above regard. At the same time, they have filed writ petitions before this Court viz., W.P. Nos.21098 and 21099 of 2015, thereby sought for appropriate directions to the respondents to consider their representations. This Court, vide order, dated 14.07.2015 in W.P. Nos.21098 and 21099 of 2015 issued directions to the 1st respondent therein to dispose of the petitioners' representations. Subsequently, the impugned proceedings, dated 21.11.2015 have been issued by the 2nd respondent rejecting the petitioners requests for conferment of permanent status. Aggrieved over the same, these writ petitions have been filed.

3. According to the learned counsel for the petitioners even though Inspector of Labour has issued orders for conferment of permanent status, the respondents refused to implement the order to the petitioners herein. He contended that the petitioners have submitted sufficient



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documents in respect of their service before the respondents. However,

without considering the same, the impugned proceedings, dated 21.11.2015 were issued to the petitioners, thereby petitioners claim was rejected, which is unsustainable. Hence, he prays for quashment of the impugned proceedings, dated 21.11.2015 as well as for issuance of appropriate directions to the respondents.

4. Per contra, learned counsel for the respondents firstly submitted that the Management has challenged the order issued by the Inspector of Labour with regard to conferment of permanent status and furthermore, the said order passed by the Inspector of Labour will not apply to the case of the petitioners. Further, reiterating the counter affidavit, he submitted that the petitioners were neither identified by the Committee constituted by the Board for the identification of Contract Labour on 08.08.1998, nor they received ex-gratia and thus, the petitioners cannot insist upon the order of permanent status. Concludingly, he submitted that there are disputed questions of fact involved and the petitioners can seek their alternative remedy, by approaching the Labour Court under the Industries Disputes Act. In support of his contentions, he relied upon various authorities issued by this Court, more particularly the latest one



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in W.P. Nos.5245, 5250 and 5251 of 2020, dated 08.03.2024 in the case

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of ***S. Mohan and 2 others vs. The Chairman cum Managing Director***

and 2 others. Quoting the aforesaid decision, he prays for dismissal of these writ petitions.

5. Heard the arguments advanced by learned counsel on both sides.

6. On perusal of records, it is seen that the rejection orders were issued by the 2nd respondent, which are impugned herein, mainly on the ground that no sufficient documents were placed by the petitioners before the respondents in support of their contentions that they have put in continuous service. From the submissions of the learned counsel for the respondents, it is clear that the petitioners were not engaged in continuous service with the respondents. Further, it could be seen that the petitioners are redressing their grievances before the respondents without producing any documents with regard to their services. Considering all, it is needless to say that there are several disputed questions of fact, which cannot be agitated before this Court by invoking the provisions under Article 226 of the Constitution of India and the same can be agitated before the appropriate Labour Court.



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7. With the aforesaid observations, this Court dispose of these writ petitions by granting liberty to the petitioners to approach the competent Labour Court and seek all such remedies in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

K. SURENDER, J.

06.08.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1. The Chairman,
Tamil Nadu Electricity Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai 600 002

2. The Chief Engineer (Personnel),
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3. The Superintendent Engineer,
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and
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