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W.P.Nos.34055 & 34085 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.34055 & 34085 of 2019

and

W.M.P.Nos.34658, 34662, 34688 & 34690 of 2019

The Superintending Engineer,
Purchase & Administration,
Mettur Thermal Power Station – I,
Mettur Dam.

...Petitioner in both W.P's.

Vs.

The Secretary,
CITU,
Rajaganapathy Nagar,
Mettur Dam – 01.

...Respondent in both W.P's.

Common Prayer: Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the Presiding Officer, Labour Court, Salem in I.D.Nos.45 of 2007 and 143 of 2008 dated 24.06.2015 and quash the same.

In both W.P's.

For Petitioner : Mr.S.David Sundar Singh

For Respondent : Mr.V.Ajoy Khose



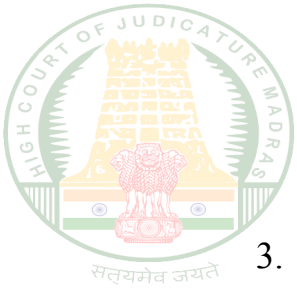
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COMMON ORDER

These Writ petitions have been filed seeking quashment of the award passed by the Presiding Officer, Labour Court, Salem in I.D.Nos.45 of 2007 and 143 of 2008 dated 24.06.2015. As the issue involved in both the Writ petitions are interconnected, they are disposed of by way of this common order.

2. It is the case of the petitioner that one R.Subramani represented by the respondent management is Senior in the Helper category. The petitioner management called for the post of Vehicle Helper from Helper category with a condition to forgo their seniority in the Helper category. Pursuant to the same, six persons from the post of Helper applied for the same and they were also selected as Vehicle Helpers subject to their giving an undertaking letter that they will not claim seniority to the post of Helper and their seniority was fixed on the basis of their date of joining.



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3. Whiles, as one Transport cleaner post was vacant, the management called for suitability from the concerned divisions and after receiving the suitability, the management had prepared a seniority list based on the date of joining of the individual in the post of Helpers and the said tentative Vehicle Helpers seniority list was also communicated, vide Memo No.862/ Adm.2 (1)/ F.MVA/ 05, dated 24.05.2005. Subsequently, the said Vehicle Helper panel list dated 24.05.2005 was cancelled, vide Memo No.862/ Adm-II (a) / SL.VH / 2005-1 dated 29.06.2005 and new panel list was prepared based on the joining date of Vehicle Helper and one K.Murugavel was promoted to the post of Transport cleaner. Challenging the said promotion, the respondent Union raised an industrial dispute in I.D.No.45 of 2007. Whiles, the Chief Engineer/Personnel/Chennai called for the post of Driver through State level internal selection, for which, five Helpers applied and as they were found to be eligible, they were selected to the post of Driver through internal selection but were not relieved from Mettur Thermal Power Station-I. Subsequently, the Driver Seniority list was issued and

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communicated by the management, vide Memo No.724/ Adm.II/ A.1/ F.Dr.Sty./

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2007 dated 16.04.2007 by placing the firstly selected five persons to the post of

Driver through internal selection above the four Vehicle Helpers, who were

awaiting for appointment. Aggrieved by the said order of promotion, the

respondent Union raised another dispute in I.D.No.143 of 2008 and the labour

court, vide its common award dated 24.06.2015 allowed the above said disputes.

Challenging the same, the petitioner has come up with this Writ petition.

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

5. Though very many grounds have been raised by the learned counsel on either side, at the time of arguments, it was rightly pointed out by the learned counsel for the petitioner management that though the respondent union had raised disputes, questioning the promotion granted to the said K.Murugavel and the



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Seniority list dated 16.04.2007 issued by the management, however, the aggrieved

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persons or the persons against whom the relief is sought for were not impleaded as necessary parties in the said disputes. The Labour Court, without considering the said basis point, had allowed the said disputes, which is wholly unsustainable. Hence, on the sole ground of non-impleading of necessary parties, this Court is inclined to set aside the impugned common award.

6. Accordingly, the impugned common award dated 24.06.2015 made in I.D.Nos.45 of 2007 and 143 of 2008 is set aside and the matters are remanded back to the Labour Court, Salem for fresh consideration and the respondent union is directed to implead the persons aggrieved as parties to the said disputes. On impleading necessary parties, the Labour court shall decide the issue on merits and in accordance with law and dispose of the disputes as expeditiously as possible, after affording an opportunity of personal hearing to the petitioner, respondent and the aggrieved persons / newly impleaded persons.



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7. With the above observations and directions, these Writ petitions stand allowed. No costs. Consequently, the connected Miscellaneous petitions are closed.

24.04.2025

skt

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

To:

1. The Superintending Engineer,
Purchase & Administration,
Mettur Thermal Power Station – I,
Mettur Dam.
2. The Presiding Officer,
Labour Court,
Salem.



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M.DHANDAPANI, J.

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