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W.P.No.30774 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30774 of 2018

N.Sundararajan

... Petitioner

Vs.

The Superintending Engineer,
Thirupathur Electricity Distributive Circle,
TNEB – Thirupattur,
Vellore District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the Additional Labour Court, Vellore in I.D.No.124 of 2012, dated 09.01.2014 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all consequential monetary benefits and all attendant benefits.

For Petitioner : Mr.S.N.Ravichandran
For Respondent : Mr.Anand Gopalan
for M/s.Agam Legal Advocate



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the entire records connected with the order passed by the Additional Labour Court, Vellore in I.D.No.124 of 2012, dated 09.01.2014 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all consequential monetary benefits and all attendant benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner was engaged as a Contract Labour by the respondent Bard from 02.01.1998 and was continuously employed by the Board without any break till 2007. The learned counsel further submitted that pursuant to Justice Khalid Committee report, nearly 18,000 Contract Labourers were absorbed as Helper, however, the petitioner was not given permanent status and hence the petitioner filed petition under Section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1987 claiming permanency and the Inspector of Labour passed award dated 29.08.2003 allowed the said petition and aggrieved by the same, the



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respondent filed W.P.No.17635 of 2004 and the Hon'ble Division Bench of this Court vide order dated 24.10.2008 confirmed the order passed by the Inspector of Labour.

3.The learned counsel appearing for the petitioner further submitted that during the pendency of W.P.No.17635 of 2004, the petitioner was denied employment from August, 2007 and further submitted that even after dismissal of W.P.No.17635 of 2004, the petitioner was not absorbed as Helper and hence, the petitioner raised industrial dispute in I.D.No.124 of 2012 under Section 2A(2) of the Industrial Disputes Act seeking to reinstate him in service with continuity of service, backwages and all other attendant benefits, however, the Labour Court dismissed the said industrial dispute.

4.The learned counsel appearing for the petitioner further submitted that the petitioner filed W.P.No.11583 of 2018 seeking direction to the respondent to absorb the petitioner as Mazdoor on par with his juniors with all consequential benefits in compliance of the order of Inspector of Labour dated 29.08.2003 confirmed by the Hon'ble Division Bench of this Court in W.P.No.17635 of 2004 dated



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24.10.2008 and pursuant to the interim order passed by the Hon'ble Division Bench of this Court dated 26.08.2020, the respondent sent communication dated 12.01.2021 to the petitioner rejecting the request of the petitioner.

5.The learned counsel appearing for the petitioner further submitted that this Court, without going into the merits of the case, may grant liberty to the petitioner to challenge the communication of the respondent dated 12.01.2021 and prayed that the period during which I.D.No.124 of 2012 was pending before the Additional Labour Court, Vellore and the period during which the writ petition was pending before this Court may be excluded for the purpose of limitation.

6.The learned counsel appearing for the respondent did not raise any serious objection.

7.Considering the limited relief now sought for by the learned counsel appearing for the petitioner, this Court without going into the merits of the case, grants liberty to the petitioner to work out the remedy in the manner known to law. The period during which



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I.D.No.124 of 2012 was pending before Additional Labour Court, Vellore and the period during which the writ petition was pending before this Court are excluded for the purpose of limitation.

8.The writ petition is disposed of. No costs.

08.04.2025

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

To

- 1.Additional Labour Court, Vellore.
- 2.The Superintending Engineer,
Thirupathur Electricity Distributive Circle,
TNEB – Thirupattur,
Vellore District.



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M.DHANDAPANI,J.
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