



WP.(MD)No.21899 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.21899 of 2019

and

WMP.(MD)No.18656 of 2019

1.The Management cum Chief Engineer (Personal)
Tamil Nadu Electircity Board,
144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
Tirunelveli District.

... Petitioners

Vs.

The General Secretary,
Tirunelveli District Democratic General Works Union,
Registered No.503 / TIN along with: NLO
188, Kaliappa Pillai Street,
Tuticorin 628 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari to call for the records in pursuant to the impugned order passed by the Labour Court, Tirunelveli in I.D.No.25 of 2017 dated 16.08.2017 and quash the same.



WP.(MD)No.21899 of 2019

For Petitioner : Mr.Anand G.V.Palan,
for M/s.Agam Legal

For Respondent : Mr.S.Kumar

ORDER

The Management of the Tamilnadu Electricity Board has preferred this writ petitioner as against the award passed by the Labour Court, Tirunelveli in I.D.No.25 of 2017 dated 16.08.2017.

2.The above said industrial dispute has been filed by the respondent that there is pay anomaly and junior has been paid more salary than its members, who have been promoted as Junior Engineer Grade-II. The members of the respondent union as well as one Thenkarai Maharajan were engaged in the Tamilnadu Electricity Board as Helpers and they have been promoted as Commercial Assistant, Commerical Inspector and Foreman Grade I. The members of the respondent union have been promoted as Junior Engineer Grade II, in the year 2009. The scale of pay of Junior Engineer Grade II is



Rs.9600-34,800+4300, whereas, one Thenkarai Maharajan, junior to the members of the respondent Union was promoted as Special Grade Foreman and scale of pay for this Special Grade Foreman is Rs.10100-34,800+5100. Therefore, the respondent Union has raised an industrial dispute before the Labour Court, Tirunelveli in I.D.No.25 of 2017. The petitioner/Management has failed to file its counter and also failed to contest the case. Therefore, an ex-parte order has been passed, by considering the available material. As against the ex-parte order, the Management of the Tamilnadu Electricity Board has preferred the present writ petition.

3.The learned counsel appearing for the petitioner/Management submits that pay scale for the Selection Grade Foreman as well as Junior Engineer Grade II have been finalized during the 12(3) settlement. According to him, the Management is having a good case in the industrial dispute. However, the learned counsel has failed to prosecute the case and therefore, an ex-parte order came to be passed by the Labour Court.

4.The learned counsel appearing for the respondent union submits that the Labour Court has passed the award on 16.08.2017, whereas, this writ



petition has been filed only in the year 2019 with a delay of two years, that too, after filing of claim petition by the respondent union. Therefore, this writ petition needs to be dismissed.

5.This Court has considered the submissions made on either side and perused the available materials on record.

6.This writ petition is pending from the year 2019. Admittedly, the petitioner/Management has failed to file counter in the industrial dispute and therefore, an ex parte order came to be passed on 16.08.2017. The petitioner/Management by placing certain materials claims that they are having a good case before the Labour Court. Therefore, this Court is inclined to provide one more opportunity to the petitioner/Management to defend their case before the Labour Court.

7.Accordingly, this Court remits the matter back to the Labour Court, Tirunelveli for considering the issue afresh. Since the issue is of the year 2017, the Labour Court, Tirunelveli is directed to complete the proceedings, within a period of six months from the date of receipt of a copy of this order.



WP.(MD)No.21899 of 2019

Considering the manner in which, the petitioner/Management has left the issue un-represented, this Court directs the petitioner/Management to pay a cost of Rs.25,000/- to the respondent union towards litigation expenses.

8.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

The Labour Court, Tirunelveli



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WP.(MD)No.21899 of 2019

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WP.(MD)No.21899 of 2019

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