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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

WA.No. 978 of 2026

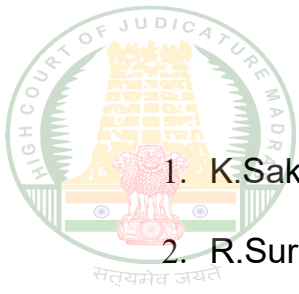
and

CMP.No.10102 of 2026

1. Tamil Nadu Generation and Distribution Corporation Ltd.,
Rep. by Chairman and Managing Director,
No.144, Anna Salai,
Chennai – 2.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai – 2.
3. Mettur Workshop Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Mettur Dam.
4. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thiruchengode Road,
Namakkal.
5. The Superintending Engineer
Erode Generation Circle,
Oorachikkottai, Bhavani Taluk,
Erode - 638 302.

..Appellants

Vs



1. K.Sakthivel

2. R.Suresh Kumar

3. M.Chelladurai

4. P.Eswaran

..Respondents

Writ Appeal filed under Clause 15 of the Letters Patent praying to allow the Writ Appeal and set aside the order dated 29.05.2025 in W.P. No. 8514 of 2021.

For Appellants: Mr.Anand Gopalan,
for M/s. Advit Law Chambers

For Respondents: Mr.A.Manish Kumar
for Mr.Krishnasamy.R

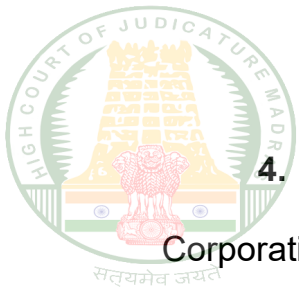
J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 29.05.2025 passed in W.P.No.8514 of 2021.

2. Mr.Anand Gopalan, learned counsel appears on behalf of the appellants and Mr.A.Manish Kumar, learned counsel appears on behalf of the respondents.

3. By the consent of the parties to the lis, the present Writ Appeal is taken up for final hearing at the admission stage.



4. The appellant is the Tamil Nadu Generation and Distribution Corporation Ltd., [hereinafter referred to as "TANGEDCO"]. The respondents/ employees were initially engaged as consolidated pay employees in the post of part time conservancy workers. On completion of 480 days of service, these workmen approached the Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The Authority passed an award in favour of the workmen to grant permanent status. The said proceeding was challenged by the appellant in W.P.No.7595 of 2003 and the said Writ Petition was dismissed by the writ Court on 30.04.2004. The Writ Appeal filed in WA.Sr.No.109897 of 2004 was not pursued.

5. The respondents / employees filed a computation petition under Section 33(c)(2) of the Industrial Disputes Act before the labour Court. The petition was allowed by the labour Court. The said award of the labour Court came to be challenged by the Board Authorities in W.P.Nos.3047 to 3049 of 2006, 5114 to 5116 of 2006 and 37720 of 2005. The learned Single Judge in the above batch of Writ Petitions passed final orders on 22.11.2014 as follows:-

"3. In the light of the above said proceedings thus made, the first respondent in each Writ Petition has filed their counter affidavit before this Court wherein they have given their undertaking that they would forego their backwages in the event of they being given permanency of their appointment as per the order dated 30.06.2004 in C.P.Nos.82 to 84 of 2003



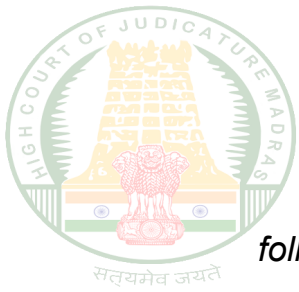
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passed by the Labour Court. The first respondent in each Writ Petition has stated that it would be sufficient if they are given permanent status of their employment. It is stated that the first respondents' name have been included in the list of permanency under the proceedings of the Board dated 02.08.2011.

4. In the light of the above circumstances and in the light of the orders passed by the Supreme Court and this Court, learned counsel appearing for the first respondent in each Writ Petition submits that the Writ Petitions may be disposed of with the above said observation.

5. Learned counsel appearing for the petitioner does not dispute the above said facts. Hence, taking note of the circumstances as detailed in the above said Board Circular dated 02.08.2011 as well as the undertaking given by the first respondent in each Writ Petition that they would not insist on for backwages in the event of they being given permanent status of their employment, the above Writ Petitions are closed with a direction to the petitioner herein to pass orders with reference to the permanent status of the employment of the first respondent in the each of the above Writ Petitions within a period of six weeks from the date of receipt of a copy of the order. No costs. Consequently, WPMP.Nos.3157, 3159 and 3161 of 2006 are also closed.”

6. Even before passing of the order by the writ Court, the appellant TANGEDCO passed Board proceedings in TANGEDCO proceedings No.11, (Administrative Branch) dated 2nd August 2011 and through the said proceedings the appellant passed the following orders:-



“5. Accordingly, the TANGEDCO is hereby ordered as follows:-

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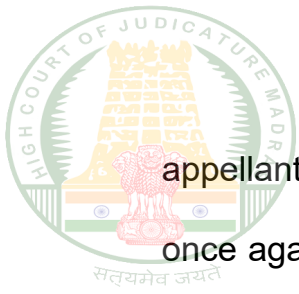
1) 3316 number of posts of Part-time Conservancy Workers be created with retrospective effect from 4.4.2003.

2) 2330 number of posts of Part-time Conservancy Workers be created with retrospective effect from 15.10.2005.

3) Regular time scale of pay at Rs.600-10-700-20-1100 with D.A. with retrospective effect from 4.4.2003 or any other subsequent date shall be fixed as per eligibility/ entitlement and arrears shall be paid to them.”

7. In pursuance of the Board proceedings dated 02.08.2011, Writ Petitions were disposed of. Consequently, the Board granted regular time scale of pay to the employees in the year 2012. The said benefit was granted by creating post with retrospective effect from the year 2003 onwards. Admittedly, respondents had also received the time scale of pay during the relevant point of time.

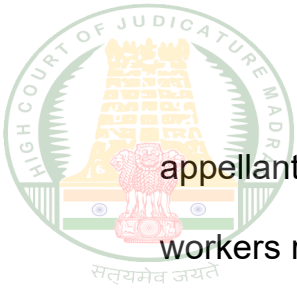
8. These part time conservancy workers were subsequently posted as full time conservancy workers with retrospective effect from the year 2011. Accordingly, the benefit of permanent appointment, regularisation and time scale of pay were granted to the respondents herein and to other similarly placed employees. Not satisfied with the above benefits granted by the



appellant Board, employees filed a fresh writ petition in W.P.No.8514 of 2021 once again claiming permanent status with effect from the date on which they had completed 480 days of service based on the order dated 27.09.2002 passed by the competent Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (in short the 'Act, 1981').

9. Pertinently, the above Writ Petition was filed in the year 2021, after a lapse of about 19 years from the date of passing of the order by the competent Authority under the Act, 1981. During the interregnum period, the Board redressed the grievances of these employees and they had also given undertaking before the Court in the earlier round of litigation. In violation of their own consensual undertaking, writ petition was filed after a lapse of 19 years, seeking retrospective permanent status on completion of 480 days of service.

10. Recruitment to various posts in TANGEDCO is concerned, it is to be done in accordance with the Service Rules applicable to the Board. Initial appointment of these part time conservancy workers were not made against sanctioned posts. They were engaged on consolidated pay. Their initial appointments were not made in accordance with the Service Rules and therefore, it is an illegal appointment. However, considering the fact that these part time conservancy workers served for a considerable length of time, the

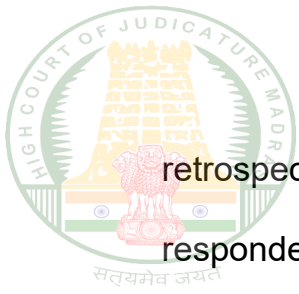


appellant Board had decided to create new posts of part time conservancy workers retrospectively with effect from 2003 by passing Board proceedings in the year 2011.

11. During the earlier round of litigation, respondents herein as well as other similarly placed employees have given an undertaking that they will not claim any backwages in the event of they being granted permanent appointment as per the order dated 30.06.2004 in C.P.Nos.82 to 84 of 2003 passed by the Labour Court.

12. In this context, the learned counsel for the respondents would submit that they have foregone the backwages alone, but, other benefits are to be granted to these employees from the date on which they have completed 480 days of service.

13. Pursuant to the Board proceedings of the year 2011, posts of part time conservancy workers were created retrospectively with effect from 2003. Subsequently, these part time conservancy workers were absorbed as regular conservancy workers in the time scale of pay. The said order remains unchallenged. The order was accepted by the respondents as well as similarly placed employees and they served in the Board for several years. Suddenly, after a lapse of about 19 years from the date of order passed by the Authority under the Act, 1981, the Writ Petition was filed in the year 2021, seeking



retrospective conferment of permanent status. Thus, the claim made by the respondents is stale, as they agreed the conditions of service, accepted the appointment on permanent basis and served in the Board. Thus, they cannot turn around and claim any other benefits over and above the benefits conferred on them with their consent.

14. The benefits granted to the respondents with retrospective effect from the year 2003, based on the orders of the Writ Court and the Board proceedings of the year 2011 became final. Thus, a fresh Writ Petition filed in the year 2021 is not entertainable. The order dated 27.09.2002 passed by the competent Authority under the Act, 1981 was given up by the respondents long before and in the subsequent writ petition, they have given an undertaking, accepted permanent absorption in the regular time scale of pay and served in the Board.

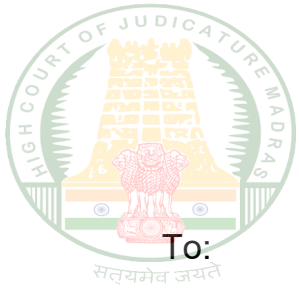
15. The writ Court has adjudicated the issues based on the order passed by the Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, which is not in consonance with the facts of the present case and the established principles under service jurisprudence.



16. Accordingly, the order dated 29.05.2025 in W.P.No.8514 of 2021 is set aside and the Writ Appeal stands **allowed**. No costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S.,J.) (R.S.V.,J.)
24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DSA/ar



To:

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**S.M.SUBRAMANIAM, J.
AND
R.SAKTHIVEL, J.
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