



W.A(MD) No.1353 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 17.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD) Nos.1353 & 1545 of 2021
&
C.M.P.(MD)No.5637 & 6361 of 2021**

In W.A.(MD)Nos.1353 & 1545 of 2021

A.Deivanayagam

... Appellant / 1st Respondent

Vs.

**1.The Assistant Engineer (Civil)
Tamil Nadu Electricity Board,
Tuticorin-628 001.**

**2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tuticorin Electricity Distribution Circle,
Kadarkarai Salai,
Tuticorin-628 001.**

**... Respondents 1 & 2 /
Petitioners**

**3.The Labour Court,
Tirunelveli.**

... 3rd Respondent / 2nd Respondent



W.A(MD) No.1353 of 2021

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P. (MD)No.14206 of 2011, dated 18.03.2021 and allow this writ appeal.

For Appellants : Mr.D.Saravanan

For Respondent : Mr.Anand Chandrasekar
for Mr.T.S.Gopalan
for Ror R1 & R2

In W.A.(MD)No.1545 of 2021

B.Velmurugan (died) ... Appellant / 1st Respondent

Vs.

1.The Assistant Engineer (Civil)
Tamil Nadu Electricity Board,
Tuticorin-628 001.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tuticorin Electricity Distribution Circle,
Kadarkarai Salai,
Tuticorin-628 001.

... Respondents 1 & 2 /
Petitioners

3.The Labour Court,
Tirunelveli.

... 3rd Respondent / 2nd Respondent



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(Cause title accepted vide Court order dated 12.07.2021

made in C.M.P.(MD)No.5646 of 2021 in W.A.(MD)SR.No.30404
of 2021 by TSSJ & SAIJ)

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in W.P.
(MD)No.14205 of 2011, dated 18.03.2021 and allow this writ appeal.

For Appellants : Mr.D.Saravanan

For Respondent : Mr.Anand Chandrasekar
for Mr.T.S.Gopalan
for Ror R1 & R2

COMMON JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellants herein were employed as sanitary workers on contract basis by TNEB since 1989. They moved the authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981 and obtained orders conferring the status of permanent workmen on 05.06.2003. Armed with the said permanency orders, the appellants filed C.P.Nos.104 & 105 of 2013 before the Labour Court, Tirunelveli under Section 33 C (2) of I.D Act.



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The petitions were dismissed by the Labour Court vide order dated 30.10.2009. Seeking review of the order, the appellants filed I.D.Nos. 214 & 215 of 2009. The Labour Court reviewed the earlier order and allowed the review applications vide order dated 28.04.2010 and directed the employer to pay the consequential monetary benefits by treating them as a permanent workman. Challenging the said orders, the management filed W.P.(MD)Nos.14205 & 14206 of 2011. The learned single Judge quashed the order of the Labour Court and allowed the writ petitions filed by the employer. Aggrieved by the same, these writ appeals have been filed.

2. Even at the outset, we make it clear that since the appellants had been absorbed as permanent workman by the employer with effect from 04.04.2003 vide proceedings dated 10.10.2011, the outcome of this appeal will not have any bearing on the said absorption. Our attention is drawn to the order of the Division Bench made on 24.10.2008 in W.A. (MD)No.1302 of 2003 etc., batch ([Superintending Engineer, Nagapattinam Electricity Distribution Circle, Tamil Nadu Electricity Board, Nagapattinam and others Vs. The Labour Court, Pedari Koil Street, Thiruvarur](#)) . Paragraph No.25 of the said order reads as follows:-



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“25. Therefore, I am unable to agree with the contention that the offence under the Act cannot be construed as not involving moral turpitude. As already stated, the three other reasonings given by the Labour Court cannot be sustained. The Labour Court did not infact record a finding that the offence did not involve moral turpitude. No such argument appears to have been seriously raised before the Labour Court.”

3. Thus, the Hon'ble Supreme Court made it clear that the persons claiming relief against TNEB management should work out their rights only in terms of the 18(1) settlement and that they cannot move the Authority under the Permanency Act. The Division Bench's order has become final. As a result of the Division Bench order, the very foundation, based on which, the appellants filed CPs before the Labour Court got totally undermined.

4. We went through the orders passed by the Labour Court. It is too obvious that the appellants had moved the Labour Court only on the footing that they had been made permanent by the Authority under the Permanency Act, 1981. Since the said order itself has been nullified by the Division Bench, the CP itself was not maintainable. That apart, as



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rightly observed by the learned single judge, the Labour Court has not been conferred with the power of review. It is well settled that the power of review is not an inherent power and it has to be specifically conferred by the statute. Since the Labour Court lacks the review jurisdiction, the order impugned in the writ petition was patently illegal. The learned single Judge rightly quashed the same and allowed the writ petitions. Interference with the said order is not called for. Since the employer themselves have treated the appellants as permanent workman, we are certain that they would be treated accordingly. If the appellants have retired from service, the benefits payable to them will also be settled as expeditiously as possible.

5. The Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.P., J.)
17.04.2026

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