

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
THE HON'BLE MR. JUSTICE M. DHANDAPANI

**WP NO. 802 OF 2012    &    WMP NO. 1 OF 2012**

04.02.2025

The Chairman, Tamil Nadu Electricity Board, 144, Anna Salai, Chennai - 2 & Ors.

**... *Petitioners***

**v.**

The Government of Tamil Nadu, Rep. by its Secretary to Government, Energy Department, Chennai - 9 & Ors.

**... *Respondents***

**Industrial Disputes Act, 1947 — Contract Labourers — Conferment of permanent status — Whether Labour Court had jurisdiction under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 — Workers claimed requisite service days — Held, Labour Court lacked jurisdiction — Proper remedy lies under Contract Labour (Regulation and Abolition) Act, 1970 or Industrial Disputes Act, 1947 — Labour Court's order set aside — Petition allowed.**

**Contract Labour (Regulation and Abolition) Act, 1970 — Conferring Permanent Status — Jurisdiction — Contract Labourers — Whether Labour Court has jurisdiction to grant permanent status under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 — Held, No — Dispute to be raised under the Contract Labour (Regulation and Abolition) Act, 1970, or the Industrial Disputes Act, 1947 — Labour Court's order set aside for lack of jurisdiction — Petition allowed — Liberty granted to workers to approach appropriate forum.**

**Article 226 of the Constitution of India — Writ of Certiorari — Labour Court's jurisdiction — Conferring permanent status on contract workers — TNEB challenged Labour Court's order contending claims must be adjudicated under Contract Labour (Regulation and Abolition) Act, 1970 or Industrial Disputes Act, 1947 — Held, Labour Court lacked jurisdiction under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 — Order set aside — Workers at liberty to raise claims before appropriate forum — Petition allowed.**

**Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 — Jurisdiction of Labour Court — Contract labourers claimed permanent status under §. 3 — Workers completed 480 days in 24 months — Labour Court granted permanency — High Court held Labour Court lacks jurisdiction under 1981 Act — Directed workers to approach proper forum under Contract Labour (Regulation and Abolition) Act, 1970 or Industrial Disputes Act, 1947 — Order of Labour Court set aside — Writ Petition allowed.**

**FACTS.** Certain workers engaged by the Tamil Nadu Electricity Board (TNEB) claimed to have completed sufficient service days to be conferred permanent

status. They approached the Labour Inspector, who directed the TNEB to confer permanent status upon them. The TNEB contended that these individuals were contract laborers and challenged the order before the High Court. Before reaching the High Court, the dispute had been adjudicated by the Labour Court, which ruled in favor of the workers, leading to the present Writ Petition challenging that ruling.

**PRAYER.** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 3rd respondent, relation to his proceedings in the Na.Ka.No.E/3216/2008, dated 29.09.2009 directing the petitioner to confer permanent status to the respondents 4 to 19 as workers in TANGEDCO/Chennai Electricity Distribution Circle/Chennai and quash the same as illegal.

#### **ISSUES OF LAW.**

Whether the Labour Court had jurisdiction under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, to grant permanent status; Whether the workers' claims should be determined under the Contract Labour (Regulation and Abolition) Act, 1970, or the Industrial Disputes Act, 1947.

**SUMMARY.** The High Court considered a writ petition by the Tamil Nadu Electricity Board challenging a Labour Court order conferring permanent status on contract workers. The court held that the Labour Court lacked jurisdiction under the 1981 Act and set aside the order, allowing workers to raise their claims under the Contract Labour Act or the Industrial Disputes Act. The petition was allowed. Another case reference, The Chairman vs The Government Of Tamil Nadu on 4 February, 2025, was noted without additional factual details.

**HELD.** The High Court set aside the Labour Court's order for lack of jurisdiction and granted liberty to the workers to raise their claims under the appropriate legislation. The petition was allowed, and future disputes on permanency were directed to the proper forum.

**FINAL STATUS.** Allowed.

#### **CASES REFERRED**

The Chairman vs The Government Of Tamil Nadu on 4 February, 2025  
W.A.Nos.273 & 275 of 2020, dated 20.01.2023  
W.P.No.4061 of 2013, dated 07.03.2022

#### **COUNSELS**

Mr.Anand Gopalan for M/s.T.S.Gopalan & Co. (for Petitioners)  
Mr.Bindran, Additional Government Pleader (for Respondent Nos.1 & 2)

**Judgment Pronounced on 04.02.2025**