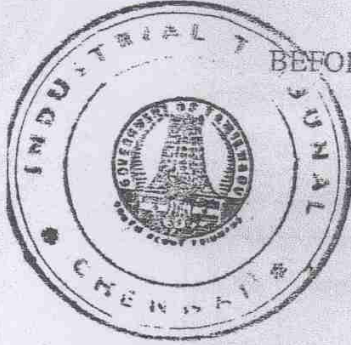


2 NO - 8347/A1/2010-1 dt-6-4-2010



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BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, TAMIL NADU,
CHENNAI 600104.

TUESDAY, THE 9TH DAY OF MARCH, 2010

PRESENT :

THIRU S.F. AKBAR, B.Sc., B.L.,
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

INDUSTRIAL DISPUTE NO. 36 OF 2007

(In the matter of dispute for adjudication Under Sec. 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Tamil nadu Minsara Variyam, Chennai-2).

Between
The Workmen represented by
Thalaiver,

.. Petitioner

And

Chairman,
Tamil Nadu Minsara Variyam,
800 Anna Salai,
Chennai-2.

..Respondent

REFERENCE : G.O.(D) No. 389 Dated 23.5.2007 ,Labour and Employment(A1) Dept.,
Govt. of Tamil nadu, Chennai-9.

This Industrial dispute coming on this day for final disposal in the presence of M/s K.M. Ramesh & K.G. Vipra Narayanan, Advocates appearing for the Petitioner, upon perusing the Reference , Claim statement and other connected papers on record and the Respondent having been set exparte , this tribunal made the following

A W A R D

The Govt. of Tamil Nadu have referred the following issue for adjudication by this tribunal:

சுருக்கம்

தொழிற்சாலை தாக்கம் செட்டிக்கும் இடங்கள் உரை பட்டியலில்
 2592 தொழிற்சாலைகள் பணிநிறுத்தம் செய்ய வேண்டும் எனத் கோரிக்கை
 தீர்ப்பளமாது?

SL.No.	Name of the EDC	Lr.No. 62/01	Lr.No. 12/01	Lr.No. 19/01	Lr.No.24/ 01	Lr.No.2 7/01	Total No. of worker
1	Thiruvannamalai EDC	1701	7	4	13	3	1730
2	Villupuram EDC	573	3		1		577
3	Cuddalore EDC	809	2				811
4	Chennai EDC	1369	1	1	4		1225
5	Chengalpattu EDC	3					3
6	Thiruvapuri EDC	446	1				447
7	Vellore EDC	42					42
8	Kanchipuram EDC	331					331
9	Coimbatore EDC	639	20	1			660
10	Nilgiris EDC	109					109
11	Erode EDC	295					295
12	Gebri EDC	3					3
13	Mettur EDC	1474	28	56	10		1568
14	Salem EDC	720	5		4	3	732
15	Dindigul EDC	118					118
16	Madurai EDC	523					523
17	Ramanathapuram EDC	18					18
18	Theni EDC	42					42
19	Kanyakumari EDC	96					96
20	Tirunelveli EDC	295					295
21	Tuticorin EDC	506					506
22	Virudhunagar EDC	6					6

SLNo.	Name of the EDC	Lr.No. 62/01	Lr.No. 12/01	Lr.No. 19/01	Lr.No.24/ 01	Lr.No.2 7/01	Total No. of worker
23	Kanse EDC	5					5
24	Nagapattinam EDC	2					2
25	Podukottai EDC	56					56
26	Thanjavur EDC	26			2		27
27	Trichy EDC	255	67	52	33	6	10592

ஆட்சி எஸிம் தடுத்த உத்தரவு பிரப்பிரகடனம்.

The Respondent remains set aside.

The Petitioner is the President of Tamil Nadu Electricity Board Anna Podhu Theozhilalar Sangam, in which 10592 are contract workers employed with the respondent, for whom the present dispute has been raised for their regularisation by way of reference u/s 2K of the LD. Act. There was a Settlement under Sec. 18(1) of the LD. Act to which the 21600 workers were parties. The said settlement was upheld by the Hon'ble High Court by order dated 24.10.2008 passed in W.A.No. 1302/2003 etc. batch of cases.

It is submitted by the learned counsel for the petitioner that the workers concerned in this dispute are members of the petitioner union and they did not sign the settlement for certain reasons. But all of them are similarly placed as those 21600 workmen who have signed the settlement and for whose benefits the settlement was reached. In terms of the said settlement, those 21600 workers would be regularized in a phased manner. 10592 workers who are concerned in this dispute seek regularization of their services and in evidence of their case they would file into court rajahits. W1 to W12. Despite sufficient opportunities, the respondent did not appear before this Court nor represented by any counsel and the respondent was set aside.

A close consideration of the documents filed on the side of the petitioner and the evidence of WW1 examined on the side of the petitioner would show that the

said 10592 workers are contract workers working directly under the respondent in various distribution circles for years together. They have been working for more than a decade continuously without any break and they have been also paid exgratia payment and annual bonus. The work they were attending is of a regular and perennial nature and they have all been discharging the same duties as those of the regular workmen. The 21600 workmen having already been agreed to be regularised, the said 10592 workers would also be entitled to regularisation on par with the earlier set of contract workers covered by the said 18(1) settlement. If so, the demand for regularization is justified and the petitioner would be entitled to an award as prayed for. Accordingly the award is passed. No costs.

Dated at Chennai, this 9th day of March, 2010.

Sd/- S.P. AKBAR
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL

LIST OF WITNESSES EXHIBITS
WITNESSES EXAMINED ON THE SIDE OF PETITIONER/ WORKMEN

W.W.1

: Thiru.R.Sivagnanasami

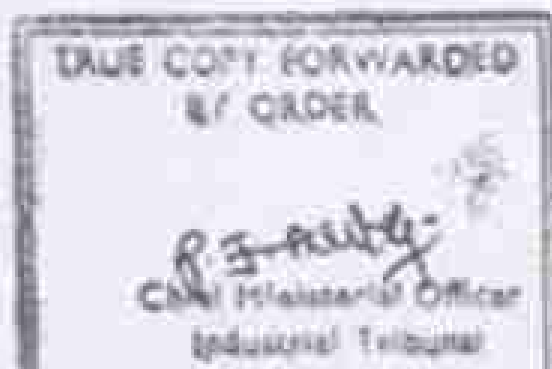
WITNESSES EXAMINED ON THE SIDE OF RESPONDENT/ MANAGEMENT

M.W.1

: None

EXHIBITS MARKED ON THE SIDE OF PETITIONER/WORKMEN

S.NO	DATE		DESCRIPTION OF DOCUMENT
1	-	EX.W01	Registration Certificate of the Petitioner
2	-	EX.W02	Rules/Byelaws of the Petitioner union
3	29.1.01	EX.W03	Letter from Petitioner to the Commissioner of Labour, Chennai.
4	16.2.01	EX.W04	Letter from Petitioner to the Commissioner of Labour, Chennai
5	9.3.01	EX.W05	Letter from Petitioner to the Commissioner of Labour, Chennai
6	5.4.2001	EX.W06	Letter from Petitioner to the Commissioner of Labour, Chennai
7	12.4.01	EX.W07	Letter from Petitioner to the Commissioner of Labour, Chennai
8	9.5.01	EX.W08	Conciliation Panel report
9	26.9.06	EX.W09	Letter from Petitioner to the Respondent
10	26.9.06	EX.W10	Letter from Tamil Nadu Electricity Board Workers Progressive Union to Respondent
11	26.9.06	EX.W11	Letter from INTUC Tamil Nadu National Electricity Workers Federation to the Respondent
12	10.8.07	EX.W12	Settlement made U/s 18(1) of the LD. Act between the Respondent and other trade unions.



Sd/- S.F. AKBAR,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL.