

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.2623 OF 2020

AND

WRIT PETITION No.22527 OF 2022

COMMON ORDER :

Heard learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents, and perused the material on record.

2. It is submitted by the learned counsel on either side that subject matter of these writ petitions is squarely covered by the common order passed by a Division Bench of this Court in W.P.No.20840 of 2017 and batch dated 03.10.2018, as such, these writ petitions may be disposed of in terms thereof.

3. Therefore, following the common order dated 03.10.2018 in W.P.No.20840 of 2017 and batch, in terms thereof, these writ petitions are disposed of as under without any order as to costs:

(i) persons who claim that they fulfil the criteria laid down in the guide-lines/orders issued by the Corporation/Companies, may approach the Committee and satisfy the Committee that they are covered by the Scheme and that they fulfil the eligibility criteria. The Committee may look into the same and take a decision within 12 weeks;

(ii) persons who were not in employment on the cut-off date viz., 04.12.2016 cannot either seek the benefit of the scheme or challenge the same. The scheme prescribing a cut-off date is a product of a settlement reached under the

Industrial Disputes Act, 1947. The settlement was under Section 12 (3) of the Act. Therefore, one of the conditions prescribed in the scheme viz., the cut-off date, cannot be challenged. Hence, the challenge to the prescription of a cut-off date contained in the scheme is rejected. However, these persons are given liberty to go before the Labour Court or any other appropriate Forum prescribed by any Special Enactments, if they have a right of absorption or regularisation conferred by such Special Enactments;

(iii) persons who are out of the scheme on account of non-payment of contribution to the Employees Provident Fund, cannot also seek the benefit of the Scheme solely on the ground that the fault lay with the Distribution Companies. If these persons have any right conferred by any special enactment for regularization and/or absorption, they are given liberty to move the Fora prescribed under those enactments; and

(iv) the claims of those engaged by the Civil Contractors for construction purposes are rejected.

As a sequel thereto, miscellaneous petitions, if any, pending in these writ petitions stand closed.

B. VIJAYSEN REDDY, J

06.06.2022

Note: Issue CC by tomorrow

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