

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11357 of 2015

Meiyarasan

.. Petitioner

- Vs -

1. The Superintending Engineer,
Mettur Electricity Distribution Circle,
now TANGEDCO, Metturdam - 1.
2. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
T.N.E.B now TANGEDCO,
Namakkal - 637 001.
3. The Chief Engineer (Personnel),
T.N.E.B now TANGEDCO,
144, Anna Salai, Chennai - 2.
4. The Chairman,
T.N.E.B. now TANGEDCO,
144, Anna Salai, Chennai - 2.
5. The Inspector of Labour,
Namakkal.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 to absorb writ petitioner as Mazdoor with all attendant benefits from the appropriate date in pursuant to the award of the 5th respondent dated 30.09.2004 made in Na.Ka.No.1250/2004.

Petitioner : Mr.Y.Ramanaiah
For Respondents 1 to 4: Mr.P.R.Dhilip Kumar
Standing Counsel for TANGEDCO

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that from 01.01.1999 onwards he worked as daily wage employee with the first respondent and has continuously worked for 480 days within a period of two years. Therefore,

according to him, he has accrued statutory right under the provisions of Conferment of Permanent Status Act and in this connection he approached the Inspector of Labour, Namakkal and by an Award dated 30.09.2004 made in Na.Ka.No.1250/2004 the 5th respondent ordered permanent status in the Board service. It is further submitted by the petitioner that challenging the same the first respondent herein filed W.P.No.17206/06 and the said writ petition was taken along with a writ appeal batch and the Division Bench of this Court by judgment dated 24.10.2008 dismissed the writ appeals as well as the writ petition filed by the first respondent. Therefore the petitioner would contend that he is entitled for permanent / absorption as regular employee and in this regard, he submitted a representation dated 23.02.2015 to the respondents 1 and 2 and since he has not been favoured with any response, he has come forward with this writ petition.

3. Heard the submissions of Mr.Y.Ramanaiah, learned counsel appearing for the petitioner. The learned counsel for the petitioner produced the proceedings of the Executive Engineer, O & M, Tiruchengode in Memo No.365/EE/O&M/TG/Adm./A1/F.Mazdoor/2011, dated 20.11.2012 and would submit that some of the other employees who were similarly placed like that of the petitioner has been absorbed and the same benefit be extended to the petitioner.

4. Mr.P.R.Dhilip Kumar, learned standing counsel accepts notice for the respondents 1 to 4 and heard his submission also.

5. Though the petitioner prays for a larger relief, this Court in the facts and circumstances of this case is of the view that it would be suffice to direct the second respondent to consider and dispose of the representation of the petitioner dated 29.12.2014 in accordance with law within a stipulated time frame.

6. In the result, the writ petition is disposed of with a direction to the second respondent to consider and dispose of the representation of the petitioner dated 29.12.2014 on merits and in accordance with law also taking into consideration the Memo dated 20.11.2012 and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

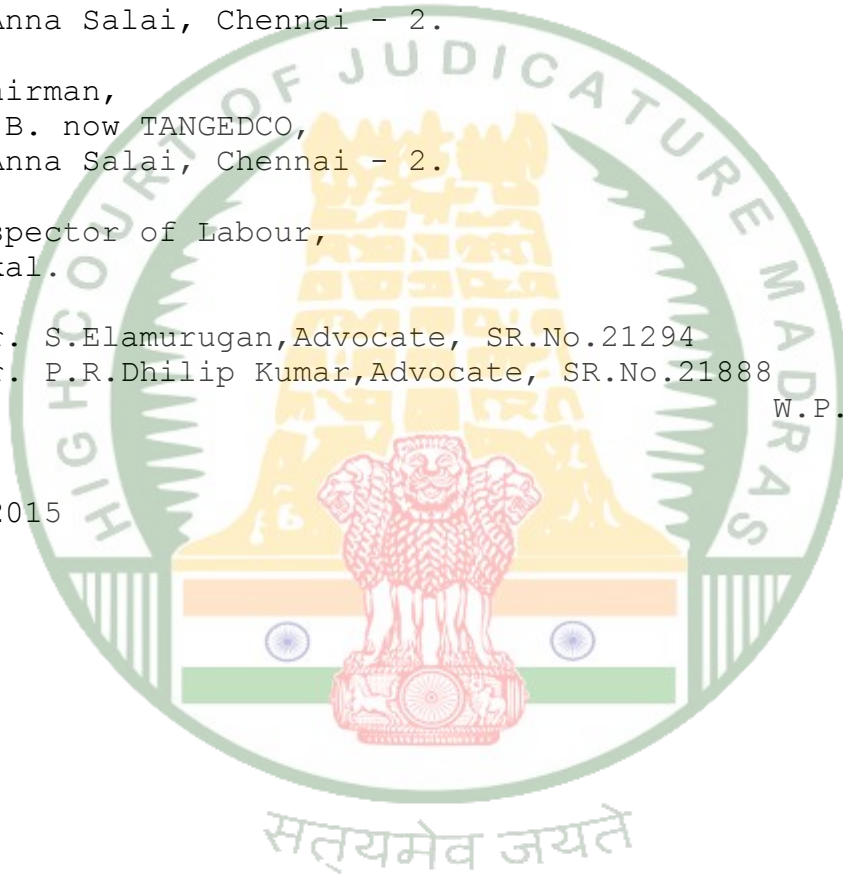
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Namakkal.

1 cc to Mr. S.Elamurugan, Advocate, SR.No.21294

1 cc to Mr. P.R.Dhilip Kumar, Advocate, SR.No.21888

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