

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23822 of 2015

M.Rasappan

.. Petitioner

vs

1. Tamilnadu Electricity Generation and Distribution Corporation Ltd.,
Rep. By its Chairman
No.144, Annasalai, Chennai 600 002
 2. The Chief Engineer (Personnel)
TANGEDCO,
No.114, Annasalai, Chennai 600 002
 3. The Superintending Engineer
TANGEDCO, Dindigul District
Dindigul
 4. The Inspector of Labour
Dindigul District, Dindigul
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to implement the order of the fourth respondent in permanent status case No.534/1998 dated 23.4.2001, passed under the provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and consequently directing the respondents 1 to 3 to absorb the petitioner in the first respondent/Corporation as permanent employee with all consequential benefits and other attendant benefits within a time frame.

For Petitioner : Mr.J.Franklin

For Respondents : Mrs.S.Varalakshmi

ORDER

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

2.The petitioner would claim that he joined as a Contract Labourer in the year 1995, in Palani Division of the then Tamil Nadu Electricity Board and has completed more than 480 days of continuous employment within a period of 24 months. The petitioner would further state that he and others similarly placed, moved the authority constituted under the Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, 1981, (Tamil Nadu Act 46 of 1981), for conferment of permanent status and it was ordered on 23.4.2001, and though the order has been passed conferring the permanent status, the respondents, for the reasons best known to them, have selectively absorbed the workers and similarly placed persons had filed W.P.No.33111 of 2013 and this Court vide order dated 5.12.2013, taking note of the earlier order in W.P.Nos.28808 to 28814 of 2013 batch etc., dated 28.10.2003, has permitted them to make a fresh representation in terms of the said Award, with a consequential direction directing the Chief Engineer (Personnel) of TANGEDCO, Chennai 102, to pass appropriate orders and hence, prays for similar relief.

3.Heard the submissions of the learned Counsel appearing for the petitioner, and Mrs.S.Varalakshmi, learned Standing Counsel, who accepted notice on behalf of the respondents.

4.The learned Standing Counsel appearing for the respondents, would submit that a Screening committee is in place to consider the claim of the persons like the petitioner, and he is at liberty to approach the second respondent in the form of representation, and on receipt of the same, appropriate orders will be passed.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit a representation to the second respondent by enclosing a copy of the Award/Order in Petition No.534/1998 dated 23.4.2001, passed by the authority constituted under the Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, 1981, within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider it on merits and in accordance with law and pass orders thereon within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

nsv

sd/-

Assistant Registrar(II)

True Copy

Sub-Assistant Registrar

To:

1. The Chairman
Tamilnadu Electricity Generation and
Distribution Corporation Ltd.,
No.144, Annasalai, Chennai 600 002
2. The Chief Engineer (Personnel)
TANGEDCO,
No.114, Annasalai, Chennai 600 002
3. The Superintending Engineer
TANGEDCO, Dindigul District
Dindigul
4. The Inspector of Labour
Dindigul District, Dindigul

+ 1 cc to M/s.R.Varalakshmi, Advocate SR 40921

+ 1 cc to M/s.J.Franklin, Advocate SR 41111

vd(co)
prk24/8

W.P.No.23822 of 2015



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