

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25121 of 2015

K.Chandran

.. Petitioner

- Vs -

1. The Chief Engineer / Personnel,
Tamil Nadu Electricity Board,
NPKRR Maaligai, 8th Floor,
No.144, Anna Salai, Chennai - 600 002.

2. The Superintending Engineer,
Generation Circle / Kundah,
Kundah Bridge Post,
The Niligiris - 643 219.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider petitioner's representation dated 22.06.2015 to absorb the petitioner permanently in the post of helper w.e.f. 01.05.1999, within the period of fixed by this Court.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

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

2. The petitioner would state that he was working as contract labour at Kundah Hydro Generation Circle of Tamil Nadu Electricity Board as a helper during the period from 04.11.1996 to 05.08.2005 in the office of the Superintending Engineer, Kundah. The respondent Board by its proceedings in B.P.(FB) No.22 dated 14.05.1999, decided to permanently absorb contract labours by creating a regular post of helpers and accordingly, direction was given to identify contract labours as on 05.01.1998 who were then engaged in the four Hydro Generation Circles, Basin Bridge and Nariamalam Gas Turbine stations be absorbed based on seniority in the respective station. Accordingly, contract labourers who have completed 480 days were

absorbed permanently by the TNEB. The first list was published on 02.05.2001 and the petitioner's name was omitted wrongly. In this regard, he approached the concerned authority and among other things he has stated that since he has completed more than 480 days of continuous employment, he is entitled to be regularised. However, the respondent Board has included his name in the second list dated 09.02.2005 instead of including his name in the first list dated 02.05.2001 and in this regard, the petitioner has submitted a representation dated 22.06.2015 to the respondents praying for his observation based on the Memo No.039628/83/CL/JA2/99-1, dated 19.05.1999. Since he has not been favoured with any response, he has come forward to file this writ petition.

3. Heard the submissions of Mr.M.Vijayakumar, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned standing counsel accepts notice on behalf of the respondents 1 and 2.

4. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances and the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the representation of the petitioner dated 22.06.2015, in accordance with law taking into consideration the Memo No.039628/83/CL/JA2/99-1, dated 19.05.1999 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

kk

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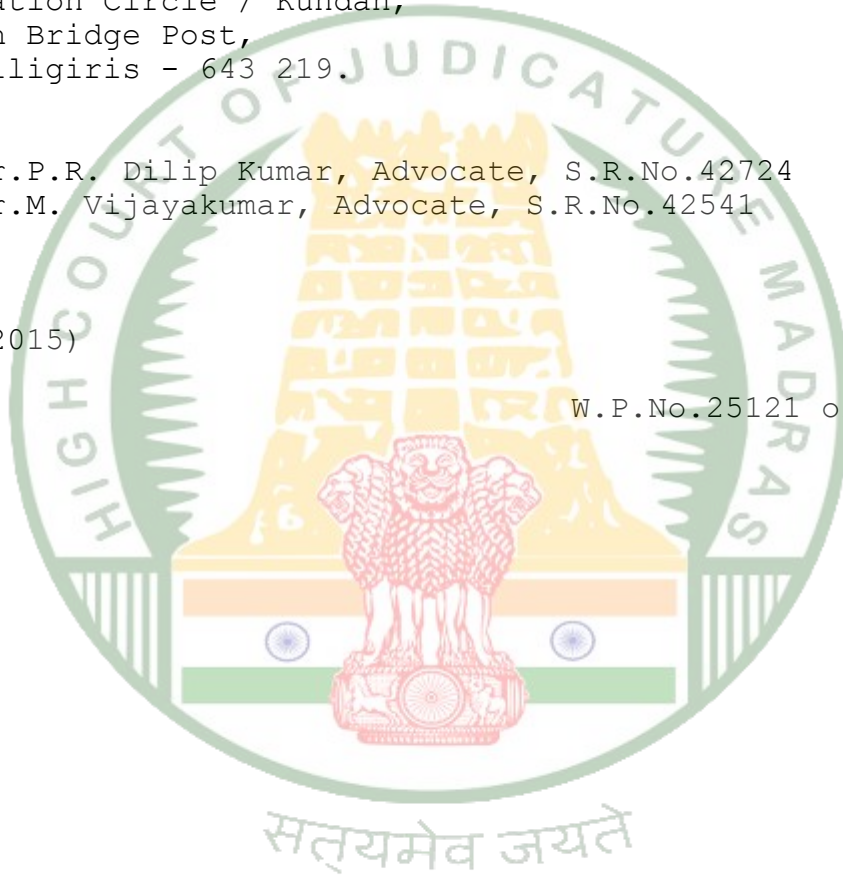
To

1. The Chief Engineer / Personnel,
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2. The Superintending Engineer,
Generation Circle / Kundah,
Kundah Bridge Post,
The Nilgiris - 643 219.

+1cc to Mr.P.R. Dilip Kumar, Advocate, S.R.No.42724
+1cc to Mr.M. Vijayakumar, Advocate, S.R.No.42541

KSJ(CO)
EU(25/08/2015)

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