

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29518 of 2015

And

M.P.Nos.1 and 2 of 2015

1.Tamil Nadu Min Kazhaga Thozhilalar Munnetra Sangam
Regn.No.38/CPT
Rep. by its General Secretary
S.Rathinasapabathy

2.R.Vijayakumar

3.R.Arumugam

... Petitioners

Vs.

1 Tamil Nadu Generation and
Distribution Corporation Rep by its
Chairman and Managing Director No.144 Anna
Salai Chennai 2

2 Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation No.144 Anna Salai Chennai 2

3 Superintending Engineering
Tamil Nadu Generation and Distribution
Corporation Vellore Electricity
Distribution Circle Vellore

4 D.Dheena

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the letter No.101343/332/G.46/G.462/2014 dated 09.07.2014 of the 2nd Respondent and the Letter No.051281/796/G46/G.461/2015-2 dated 07.07.2015 of the 2nd respondent and the seniority list of Helper/Field Assistant dated 10.08.2015 K.No.08711/656/Me.Po/Ve.Me.Va/Lo/Ne.Pe.2/U1/2015-2 issued by the 3rd respondent as illegal arbitrary contrary to law and contrary to the service Regulations and consequently direct the respondents to draw the seniority list Helper/Field Assistant by taking into account of the date of joining the post of Helper.

For Petitioners : Mr.Balan Haridas

For Respondents : Mrs.R.Varalakshmi

O R D E R

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

2.The petitioner Association being the first petitioner as well as two individual being petitioners 2 and 3 would state among other things that the contract labourers were absorbed under a Settlement entered under Section 12(3) of the Industrial Disputes Act, 1947 in a phased manner and they were initially appointed as Temporary Casual Labourers and thereafter as Helper cum Meter Readers during the year 2009-2010. According to petitioners 2 and 3, they are working as Contract Labourers for the past 15 years at Vellore Electricity Distribution Circle and temporarily appointed as Casual Labourers and thereafter on 19.06.2009 were appointed as Maszoors and according to them on completing two years of service as Mazdoor, they should be given promotion as Helper with effect from 18.06.2011 and however, they were promoted to the said post only on 17.06.2014.

3.The grievance now expressed by the petitioners is that the respondent Corporation selected 4000 candidates who had Industrial Training Institute Diploma as Helpers (Trainee) by way of direct recruitment through Employment Exchange on a consolidated pay of Rs.2500/- per month with effect from 03.03.2014 and while putting seniority list, they have been placed above them and in this regard, repeatedly submitting representations and last of such representation came to be submitted on 31.08.2015 and since no orders have been passed, came forward to file this writ petition.

4.Mr.Balan Haridas, learned counsel appearing for the petitioners would submit that admittedly, the petitioners are the members of first petitioner Association as well as petitioners 2 and 3 are seniors to ITI Helpers (Trainee) and therefore, they should have been placed above them in the seniority list and without resorting to the said fair procedure, has published the seniority list by placing the petitioners below them and prays for appropriate orders.

5.This Court heard the submissions of Mrs.R.Varalakshmi, learned counsel who accepts notice on behalf of the respondents.

6.Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioners in their representations or in this writ petition, directs the fourth respondent to consider and dispose of the petitioners representation dated 31.08.2015 on merits and in accordance with law, after putting on notice the persons concerned 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 petitioners as well as the persons concerned and till then shall defer further decision with regard to the operation of the seniority list.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1 Tamil Nadu Generation and Distribution Corporation Rep by its Chairman and Managing Director No.144 Anna Salai Chennai 2
- 2 Chief Engineer (Personnel) Tamil Nadu Generation and Distribution Corporation No.144 Anna Salai Chennai 2
- 3 Superintending Engineering Tamil Nadu Generation and Distribution Corporation Vellore Electricity Distribution Circle Vellore

+1 cc to M/s.Balan Haridas, Advocate, sr.51131

+1 cc to M/s.R.Varalakshmi, Advocate, sr.51574

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