

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4.02.2015

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.7846 of 2012

Minnvariya Oppanda Thozhilalar Sangam,
rep by its General Secretary, K. Nithyanandam,
No.5, Perumal Koil South Street,
Meenjur-601 203

..... Petitioner

vs

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai-600 002
2. The Chief Engineer/Personal,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai-600 002

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the 2nd respondent's Letter No.107082/357/G.58/G.581/2008-13, dated 15.3.2012 and quash the same and direct the respondents to appoint the members of the petitioner Sangam as Helpers.

For petitioniner: Mr.S. Prabhakaran
For respondents : Ms.R. Varalakshmi

ORDER

The Sangam has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the second respondent's Letter No.107082/357/G.58/G.581/2008-13, dated 15.3.2012 and quash the same

and direct the respondents to appoint the members of the petitioner Sangam as Helpers.

2. Heard Mr.S. Prabhakaran, learned counsel for the petitioner and Ms. R. Varalakshmi, learned counsel for the respondents.

3. It is the case of the petitioner that, earlier the petitioner had filed a Writ Petition in WP No.24690 of 2009 to issue a direction to the respondent to consider the representation dated 14.7.2008, in the light of the respondent's Proceedings in Per-BP (Chairman) No.9 dated 9.1.2008 and (Per.) B.P (FB) No.44 dated 6.9.2007.

4. Further, this Court, by Order dated 15.10.2008, disposed of the said writ petition, by directing the individual members of the Petitioner Sangam to make individual representation to the respondent within a period of ten days and also directed the respondent to pass appropriate orders in accordance with law within a period of four weeks thereafter.

5. Further, this Court also observed that the Thozhilalar Sangam consists of 590 members. Since it was contended by the respondent therein that it relates to the rights of every individual member in the petitioner's Association to be posted as Helpers, this Court observed that the representation, given by the Sangam, as such, cannot be considered by the respondent.

6. Mr.S. Prabhakaran, learned counsel for the petitioner submitted that when this Court had directed the respondent to consider the representation dated 14.7.2008, the respondents, without taking into consideration the documents produced by the petitioners, rejected the representation made by 590 members by a non-speaking order.

7. Ms.R. Varalakshmi, learned counsel appearing for the respondent submitted that since the members of the Association failed to produce any document before the respondents, the respondents had rejected the representation.

8. Countering the submissions made by the learned counsel for the respondents, the learned counsel for the petitioner submitted that the members of the Sangam are having sufficient documents to establish their case before the respondents and further submitted that the members had already produced the documents before the respondents.

9. In these circumstances, in the interest of justice, I am of the considered view that 590 members of the petitioner Sangam can be given one more opportunity to give a representation along with all necessary documents to substantiate their case before the respondents.

10. It is also brought to the notice of this Court that the petitioner had given the list of 590 members in the typed set of papers. All the 590 members, whose names find place in the list, given by the writ petitioner, shall give individual representation to the respondents along with necessary documents.

11. In these circumstances, I direct the 590 members of the Petitioner Sangam to give individual representation, along with all necessary documents, to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the individual representation along with necessary documents, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the individual member within a period of eight weeks thereafter.

12. With this observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr
To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai-600 002

2. The Chief Engineer/Personal,
Tamil Nadu Generation and
Distribution Corporation,
No.144, Anna Salai,
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