

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2015

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.3130 of 2015

1. A. Kumar
2. S. Arumugam

..... Petitioners

vs

1. The Tamil Nadu Electricity Generation and Distribution Corporation Ltd., (TANGEDCO), rep by its Chairman, No.144, Anna Salai, Chennai-600 002
2. The Chief Engineer (Personnel), TANGEDCO, No.144, Anna Salai, Chennai-600 002
3. The Superintendent Engineer, TANGEDCO, Tirupur Division, Tirupur
4. The Inspector of Labour, Coonoor, The Nilgiris District

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to implement the order of the 4th respondent in Permanent Status Case No.2686/2001 dated 21.05.2002 passed under the provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen), Act, 1981 and consequently to direct the respondents to absorb the petitioners in the 1st respondent TANGEDCO on permanent basis based on the representation submitted by the petitioners dated 10.7.2014 with all consequential and other

attendant benefits.

For petitioners : Mr.G. Sankaran
For respondents 1 to 3 : Mr.P.R. Dilip Kumar
For 4th respondent : Mr.V. Subbiah,
Spl.G.P

ORDER

The above writ petition has been filed by the petitioners to issue a Writ of Mandamus directing the respondents 1 and 2 to implement the order of the 4th respondent in Permanent Status Case No.2686/2001 dated 21.5.2002 passed under the provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen), Act, 1981 and consequently to direct the respondents to absorb the petitioners in the first respondent TANGEDCO on permanent basis based on the representation submitted by the petitioners dated 10.7.2014 with all consequential and other attendant benefits.

2. By consent of both sides, the main writ petition has been taken up for final hearing at the admission stage itself.

3. It is the case of the petitioners that the petitioners have completed for more than 480 days of continuous service within a period of 24 calendar months, along with other similarly placed persons. The workers placed all the materials to the Inspector of Labour, Coonor, the fourth respondent herein. The fourth respondent, who is the competent authority, issued orders on 21.5.2002 for the conferment of Permanent Status to the petitioners.

4. The fourth respondent, in exercise of the powers under the provisions of the Tamil Nadu Act 46 of 1981, passed orders for conferment of Permanent Status of the Petitioners and others in the erstwhile Tamil Nadu Electricity Board and the orders have been passed as early as in the year 2003. However, the respondent Electricity Board has not chosen to implement the same by absorbing the petitioners on permanent basis.

5. In these circumstances, the petitioners gave a representation dated 10.7.2014 to the first respondent. According to the petitioners, the first respondent has not considered the representation of the petitioners yet.

6. Mr.P.R. Dilip Kumar, learned counsel takes notice for the respondents 1 to 3 and submitted that the first respondent may be directed to consider and pass orders on the representation dated 10.7.2014 given by the petitioners, within a stipulated time.

7. Mr.V. Subbiah, learned Special Government Pleader takes

notice for the fourth respondent.

8. The learned counsel for the petitioners submitted that it would be suffice to direct the first respondent to consider the representation of the petitioners dated 10.7.2014 and pass orders within a stipulated time.

9. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case and also in the light of the order passed by the Inspector of Labour, Coonoor dated 21.5.2002, I direct the first respondent to consider the petitioners' representation dated 10.7.2014 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

10. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

To

1. The Chairmann
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002
2. The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai-600 002
3. The Superintendent Engineer,
TANGEDCO,
Tirupur Division,
Tirupur

4. The Inspector of Labour,
Coonoor,
The Nilgiris District

1 cc to Mr. G.Sankaran, Advocate, SR.No.7145
1 cc to Government Pleader, Sr.No6961

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