

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

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The Honourable MR. JUSTICE M.DURAISWAMY

W.P.Nos.21040 to 21044 of 2012
and M.P.Nos.1 of 2012

R.MAYILVEL	[PETITIONER IN W.P.No.21040/12]
R.THIRUVENGADAM	[PETITIONER IN W.P.No.21041/12]
R.PERUMALASAMY	[PETITIONER IN W.P.No.21042/12]
S.KALIMUTHU	[PETITIONER IN W.P.No.21043/12]
C.ARJUNAN	[PETITIONER IN W.P.No.21044/12]

Vs

- 1 TAMIL NADU ELECTRICITY
GENERATION AND DISTRIBUTION
CORPORATION LTD
REP. BY ITS CHAIRMAN
NO.144 ANNA SALAI
CHENNAI-2.
 - 2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO NO.144 ANNA SALAI
CHENNAI-2.
 - 3 THE SUPERINTENDING ENGINEER
TANGEDCO DINDIGUL DISTRICT
DINDIGUL.
 - 4 THE INSPECTOR OF LABOUR
DINDIGUL DISTRICT DINDIGUL.
- Respondents in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 1 to 3 to implement the order of 4th respondent in Permanent Status Case No.E/4924/2001 dated 23.12.2002 permanent status case No.E/221/2004 dt. 20.10.2004 respectively passed under the Provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act 1981 and consequently direct the respondents 1 to 3 to absorb the petitioners in the 1st respondent Corporation as Permanent Employees with all consequential benefits and other attendant benefits within a time frame to be fixed by this Honourable Court.

For Petitioners	: Mr.G.Sankaran
For Respondents	: Mrs.R.Varalakshmi, Standing Counsel for TNEB Mr.V.Subbiah, SGP (R4)

COMMON ORDER

Heard Mr.G.Sankaran, learned counsel for the petitioners, Mrs.R.Varalakshmi, learned Standing Counsel for respondents 1 to 3 and Mr.V.Subbiah, learned Special Government Pleader for the 4th respondent.

2. The above writ petitions have been filed by the petitioners to issue a writ of mandamus directing the respondents 1 to 3 to implement the order of the 4th respondent in Permanent Status Case dated 23.12.2002 passed under the Provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and consequential direction directing the respondents 1 to 3 to absorb them in the 1st respondent Corporation as Permanent Employees, based on the representation submitted by them dated 06.02.2012, with all consequential benefits and other attendant benefits within a stipulated time.

3. It is the case of the petitioners that they have completed more than 480 days of service within a period of 24 calendar months, along with other similarly placed persons and through the workers union, placed all the materials to the Inspector of Labour, Dindigul, the 4th respondent herein. The 4th respondent, who is the competent authority, issued orders on 23.12.2002 for the conferment of Permanent Status to the petitioners and others. 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 others have been passed as early as during the year 2002 and 2004 and the respondent Electricity Board has not chosen to implement the same by absorbing the petitioners and others on permanent basis. In these circumstances, the petitioners gave a representation dated 06.02.2012 to the first respondent. According to the petitioners, the first respondent has not considered the representation yet.

4. Ms.R.Varalakshmi, learned Standing 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 06.02.2012 given by the petitioners, within a stipulated time.

5. The learned Counsel for the petitioners also submitted that it would be suffice to direct the first respondent to consider the representation of the petitioners dated 06.02.2012 and pass orders, taking into consideration the orders passed by the 4th respondent on 23.12.2002 and 20.10.2004, within the stipulated time.

6. 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 petitions, without

expressing any opinion with regard to the merits of the cases, I direct the first respondent to consider the petitioners' representation dated 06.02.2012 on merits and in accordance with law, taking into consideration the orders passed by the 4th respondent dated 23.12.2002 and 20.10.2004, within a period of eight weeks from the date of receipt of a copy of this order.

With these observations, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

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To

- 1 The CHAIRMAN TAMIL NADU ELECTRICITY
GENERATION AND DISTRIBUTION CORPORATION LTD
NO.144 ANNA SALAI
CHENNAI-2.
- 2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO NO.144 ANNA SALAI CHENNAI-2.
- 3 THE SUPERINTENDING ENGINEER
TANGEDCO DINDIGUL DISTRICT DINDIGUL.
- 4 THE INSPECTOR OF LABOUR
DINDIGUL DISTRICT DINDIGUL.

+ 1cc to Mr. G. Sankaran, Advocate Sr.9003
+ 1 cc to Government Pleader Sr.9142
+ 1 cc to Mr.R. Varalakshmi, Advocate Sr.9045

SV(CO)
Eu 20.02.15

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