

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32505/2015 and M.P.No.1 of 2015

A.Samuvel

... Petitioner

Versus

- 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,
Dindigul District,
Dindigul
- 3.The Superintendent Engineer,
TANGEDCO,
Dindigul District, Dindigul.
- 4.The Inspector of Labour,
Dindigul District, Dindigul.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 to 3 to implement the order of the 4th respondent in Application No.534 of 98 dated 23.04.2001 passed under the provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act,1981 and consequently directing the Respondents 1 to 3 to absorb the petitioner in the 1st respondent Corporation as Permanent Employee based on the representation submitted by the Petitioner dated 18.06.2015 with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran
For R1 : Mrs.R.Varalakshmi

ORDER

By consent, the writ petition is taken up for final

disposal.

2 The petitioner would state that he was appointed as a Contract Labourer in the year 1998 in the services of the then Tamil Nadu Electricity Board [TNEB], now Tamil Nadu Electricity Generation and Distribution Corporation Limited [TANGEDCO] and he was doing maintenance work including erection and maintenance of transformers, street lights, digging works, erection of poles etc. It is the claim of the petitioner that he has completed 480 days of continuous service within a period of 24 calendar months and the Workers Union representing their interests, had moved the 4th respondent as per the provisions of the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981 and vide order dated 23.04.2001, the 4th respondent has issued orders for conferment of permanent status to the members of the petitioner Union and the grievance expressed by the petitioner is that in spite of such an order, the respondents did not comply with the same and though the respondents have absorbed the services of 2500 contract labourers during the year 2004-2005 and more than 6000 contract labourers between 2006-2008, the petitioner has not been absorbed permanently and in this regard, he has submitted very many representations and the last of such representation was submitted on 18.06.2015 to the 1st respondent and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that in similar facts and circumstances, this Court, vide orders dated 31.03.2011, 18.02.2015 and 09.06.2015 respectively in WP.No.7368/2011, WP.Nos.21040 to 21044/2015 and WP.No.16250/2015, has directed the respondents therein to comply with the orders passed by the authority constituted under the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981 and prays for similar orders.

4 Heard Mrs.R.Varalakshmi, learned Standing counsel who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 1st respondent to consider and dispose of the petitioner's representation dated 18.06.2015 on merits and in accordance with law, after taking note of the 4th respondent's order dated 23.04.2001 made in Application No.534/1998 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly.
No costs. Consequently the connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

To

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

+1 CC to MR.G.Sankaran Advocate. SR.NO. 56159
+1 CC to MR. R.Varalakshmi Advocate. SR.NO. 56167

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W.P.No.32505/2015

CO-ALA
JD 29/10/2015