

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32517/2015

G.R.Srinivasan

...Petitioner

Versus

1. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board
now TANGEDCO
Dharmapuri - 5.

2. The Inspector of Labour,
Krishnagiri

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to pass appropriate orders conferring permanent status in accordance with the proceedings of the 2nd respondent made in 4498/96 dated 02.04.1998 and as represented on 25.08.2012.

For Petitioner : Mr.S.Elamurugan

For R1 : Mr.M.Fakir Mohideen

ORDER

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

2 The petitioner and others were engaged as daily wage labourers for the purpose of digging pits, erecting poles, drawing electrical lines and also for installing metres in connection with the statutory duties of the then Tamil Nadu Electricity Board [TNEB], now the Tamilnadu Electricity Generation and Distribution Circle [TANGEDCO]. It is the claim of the petitioner that he and others had completed more

than 480 days of continuous service within the period of 2 calendar years and in this regard, they have invoked the jurisdiction of the 2nd respondent under the provisions of the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981 and vide order dated 02.04.1998, the respondents were directed to absorb and appoint 19 workers as permanent status workers under the services of Tamil Nadu Electricity Board, Dharmapuri Electricity Distribution Circle and the petitioner's name finds place in Sl.No.11 in Annexure-I to the said order. The petitioner would state that the said order was put to challenge by the 1st respondent by filing WP.No.6847/2001 and it was heard along with a batch of cases in WA.No.2801/2008 and the Division Bench of this Court has passed orders on 24.08.2008, directing the 1st respondent to comply with the orders passed by the 2nd respondent. The grievance expressed by the petitioner is that in spite of such a positive direction, the services of the petitioner are yet to be regularised and hence, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that in Annexure-I to the order passed by the 2nd respondent, the name of the petitioner has been wrongly stated as "M.Manoharan, S/o.T.Muruga Mudaliar" and subsequently, the 1st respondent, vide letter Na.Ka.No.M/4198/96 dated 02.04.1998 has clarified that it should be read as "G.R.Srinivasan, S/o.P.G.Rajendra Mudaliar" and hence, prays for appropriate orders.

4 Per contra, Mr.M.Fakir Mohideen, who accepts notice on behalf of the first respondent, seeks time to get instructions.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the 1st respondent by enclosing a copy of this order as well as a copy of the earlier representation dated 25.08.2012 as well as the orders passed by the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent shall consider and dispose of the said representation on merits and in accordance with law after taking note of the order of the 2nd respondent dated 02.04.1998 and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly.
No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board
now TANGEDCO
Dharmapuri - 5.

2. The Inspector of Labour,
Krishnagiri.

1 CC to Mr.S.Elamurugan, Advocate SR.No. 56188

1 CC to Mr.M.Fakir Mohideen, Advocate SR.No. 56168

W.P.No.32517/2015

CTK (CO)
PSI (29.10.2015)

सत्यमेव जयते

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