

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33019/2015

Tamil Nadu Electricity Board General Employees Union
Registration No.CPT 1357/1996
Represented by Mr.C.Arumugam
General Secretary,
Having Office at No.34, Third street,
Bharat Nagar,
Ernavoor,
Chennai - 600 057.

... Petitioner

Versus

1. The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
Door No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board (TANGEDCO),
Door No.144, Anna Salai, 8th Floor,
Chennai - 600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Electricity Distribution Circle (South),
Door No.110, K.V.Sub-station Complex,
K.K.Nagar,
Chennai - 600 078.
4. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Electricity Distribution Circle (North)
Door No.797, E.B.Complex,
Anna Salai,
Chennai - 600 002.

5. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Electricity Distribution Circle (Central),
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034.
 6. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO)
Electricity Distribution Circle (West),
Tirumangalam S.S.Complex,
Anna Nagar,
Chennai - 600 102.
 7. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO)
Electricity Distribution Circle,
Krishnagiri.
 8. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO)
Vazhudhur Gas Turbine Power Station,
Ramanathapuram,
Ramanathapuram District.
 9. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO)
Electricity Distribution Circle,
Ramanathapuram,
Ramanathapuram District.
 10. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO)
Electricity Distribution Circle,
Tiruvannamalai,
Tiruvannamalai District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the 1st respondent to forthwith take action on the representation dated 03.10.2015 given by the petitioner Union seeking ex-gratia payment and Deepavali Bonus for Deepavali Festival during the period 2014-2015 (current year) as Per B.P (Chairman) No.9, Administrative Branch dated 09.01.2008 and other proceedings for its 298 employees as given to permanent employees and pay the same.

For Petitioner : Mr.K.Raja

For Respondents : Mrs.R.Varalakshmi

ORDER

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

2. The petitioner's association states that as per Board proceedings (Chairman) No.9, Administrative Branch dated 09.01.2008 and other proceedings, 298 employees were given to permanent employees and all of them get also obtained orders from the competent authority for conferring permanent status and the first batch of 158 employees mentioned in the representation dated 03.10.2015 were directed to be absorbed as per the orders passed in the writ petitions and their absorption is still pending and as against the remaining 140 employees, writ petitions challenging the orders, conferring the permanent status, are pending. The petitioner-Union would further contend that since 298 employees had already been granted permanent status, they have to be placed on par with the permanent employees and paid with Ex-gratia payment and Diwali bonus for Diwali festival during the year 2014-2015 as per the above said Board proceedings. The petitioner-Union, in this regard, has submitted a representation dated 03.10.2015 and it has not been disposed of as on date and would further claim that as on today, more than 50,000 vacancies are available in the Tamil Nadu Generation of Electricity and Distribution Company [TANGEDCO] and they are duty bound to fill up all the posts.

3. Learned counsel for the petitioner would submit that since the petitioner's representation dated 03.10.2015 has not been considered so far and that the festival of Diwali is also approaching, appropriate orders may be passed directing the respondents to pay/confer the said benefits on 298 employees.

4. Per contra, Mrs.R.Varalakshmi, learned Standing counsel accepting notice on behalf of the respondents would contend that the respondent/Company is in a precarious financial position and the petitioner-Union, as a matter of right, cannot make any unsustainable demand and prays for dismissal of the writ petition.

5. This Court heard the rival submissions and also perused the materials placed before it.

6. 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 03.10.2015 on merits and in accordance with law, after taking note of B.P. [Chairman] No.9 dated 09.01.2008 and pass orders on or before 02.11.2015 and communicate the decision taken, to the petitioner-Union.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

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Electricity Distribution Circle,
Tiruvannamalai,
Tiruvannamalai District.

+1cc to Mr.K.Raja, Advocate, S.R.No.57042

+1cc to Mr.R.Varalakshmi, Advocate, S.R.No.57079

W.P.No.33019 of 2015

CS II
CA(19/10/2015)