

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.33142 of 2015

Tamil Nadu Electricity Board General

Employees Union

Registration No.CPT 1357/1996

Represented by C.Arumugam

General Secretary

Having Office at No.34, Third Street

Bharat Nagar, Ernavoor,

Chennai 600 057

.. Petitioner

vs

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

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to forthwith take action on the representation dated 28.9.2015, given by the petitioner-Union seeking ex-gratia payment for Deepavali Festival during the period 2014-2015 (current year) for it's 580 member employees as per B.P. (Chairman) No.9, Administrative Branch, dated 9.1.2008, and pay the same.

For Petitioner : Mr.K.Raja

For Respondents : Mrs.R.Varalakshmi

ORDER

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

2.The deponent of the affidavit, who is the General Secretary of the petitioner-Union, would state that 580 employees, who are it's members, had completed more than 480 days of continuous service within two years from the date of joining into service in TANGEDCO and they have not been paid with any ex-gratia amount, though they are covered under the Settlement dated 10.8.2007, under Section 12(3) of the Industrial Disputes Act, 1947.

3.It is further stated by the deponent that the services of some of them have been regularised and in terms of the proceedings of the Tamil Nadu Electricity Board in Per.B.P. (CHAIRMAN) No.9, Administrative Branch, dated 9.1.2008, the members of the petitioner-Union are entitled to get ex-gratia amount and in this regard, a representation dated 28.9.2015, has also been submitted to the first respondent and since no orders have been passed, it came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, would submit that in the light of the above said Board proceedings, the members of the petitioner-Union are entitled to get ex-gratia amount and prays for appropriate orders.

5.Per contra, Mrs.R.Varalakshmi, learned Standing Counsel, who accepted notice on behalf of the respondents, would submit that admittedly, the services of some of the temporary workers are yet to be regularised and therefore, the members of the petitioner-Union as a matter of right, cannot claim ex-gratia amount and prays for dismissal of this writ petition.

6.The Court has considered the rival submissions and also perused the materials placed before it.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the second respondent to consider the petitioner's representation dated 28.9.2015, on merits and in accordance with law, after taking note of the proceedings in Per.B.P. (CHAIRMAN) No.9, Administrative Branch, dated 9.1.2008, and pass orders thereon on or before 2.11.2015, and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

1.The Chairman

Tamil Nadu Electricity Board (TANGEDCO)
Door No.144, Anna Salai
Chennai 600 002

2.The Chief Engineer (Personnel)

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Tamil Nadu Electricity Board (TANGEDCO)
Electricity Distribution Circle
Tiruvannamalai
Tiruvannamalai District

1 cc to M/s.R. Varalakshmi, SR. 57077
1 cc to Mr.K. Raja, Sr. 57043

nsv

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