

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33572 of 2015

1.V.Nagamani
2.K.Shanmugam

...Petitioners

Vs.

- 1 The Chairman
TANGEDCO,
144, Anna Salai, Chennai-2.
- 2 The Chief Engineer Personnel,
TANGEDCO,
144, Anna Salai, Chennai-2.
- 3 The Superintending Engineer,
Electricity Distribution Circle, (EDC)
TANGEDCO, Thiruvannamalai.
- 4 The Secretary, CITU,
TANGEDCO, Thiruvannamalai.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondent Board to consider the petitioner date of joining in Service as mentioned in the Award dated 30.04.1996 and fix inter-seniority.

For Petitioners : Mr.B.Manoharan

For Respondents : Mrs.R.Varalakshmi

O R D E R

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

2.The petitioners claim that they were in the services of Vandavasi Rural Electric Co-Operative Society Limited. It was receiving subsidy from the Central as well as the State Government for supply of electricity to the villagers along with two similar societies and by virtue of G.O.Ms.No.124 Energy (A2) Department, dated 27.06.1997, the above said society has been taken over by the then Tamil Nadu Electricity Board and since they have not been taken into services of the respondent board, they approached the authority constituted under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 and vide award dated 30.04.1996, the said authority has passed an order directing the Tamil Nadu Electricity Board to confer permanent status to them and the award was complied with vide proceeding of the society dated 24.12.1996.

3.The grievance expressed by the petitioners is that though the order came to be passed as early as on 30.04.1996, they have not taken into consideration the services from the date of joining in service and the respondent board fixed their seniority from the date of compliance by the society of the award i.e., 24.12.1996 and in this regard, submitted representation dated 28.03.2014 and since no orders have been passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioners would submit that though the petitioners were absorbed in services belatedly, their grievance is, their seniority has to be counted from the date of entry into the society and prays for appropriate orders.

5.Per contra, Mrs.R.Varalakshmi, learned counsel who accepts notice on behalf of the respondents would submit that admittedly before the said authority, Tamil Nadu Electricity Board was not a party and any order would bind only Vandavasi Rural Electric Co-Operative Society and not this board and hence, prays for dismissal of the writ petition.

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

7.Though the petitioners prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners either in their representations or in this writ petition, directs the second respondent to consider and dispose

of the petitioner's representation dated 28.03.2014 on merits and in accordance with law 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 petitioners.

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

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chairman
TANGEDCO,
144, Anna Salai, Chennai-2.
- 2 The Chief Engineer Personnel,
TANGEDCO,
144, Anna Salai, Chennai-2.
- 3 The Superintending Engineer,
Electricity Distribution Circle, (EDC)
TANGEDCO, Thiruvannamalai.
- 4 The Secretary, CITU,
TANGEDCO, Thiruvannamalai.

1 CC to Mr.B.Manoharan, Advocate SR.No. 57352

1 CC to Mrs.R.Varalakshmi, Advocate SR.No. 57679

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NM (CO)
PSI (04.11.2015)