

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.33958/2015

G.Kumaresan

..

Petitioner

Versus

- 1.The Chief Engineer Personnel
Tamil Nadu Generation and Distribution
Corporation Ltd., No.144, Anna Salai,
Chennai 600 002.
- 2.The Superintending Engineer
Dharampuri Electricity Distribution Circle
Tamil Nadu Generation & Distribution
Corporation Ltd., Dharmapuri District.
- 3.The Superintending Engineer
Krishnagiri Electricity Distribution Circle
Tamil Nadu Generation & Distribution
Corporation Ltd., Krishnagiri District.
- 4.The Labour Officer
Krishnagiri.

.. Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the respondents to absorb the petitioner into respondents corporation service by considering the petitioner representation dated 16.02.2015 as per the report dated 13.02.2015 of the 4th respondent.

For Petitioner : Mr.K.Sasindran

For Respondents: Mr.M.Fakkir Mohideen for RR 1 to 3
Mr.N.Srinivasan, AGP for R4

ORDER

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

2 The petitioner claims that he joined the services of the then Tamil Nadu Electricity Board now Tamilnadu Generation of Electricity and Distribution Company Limited [TANGEDCO] as a contract employee during the year 1990 and continuously working till date. It is further stated by the petitioner that the Tamil Nadu Electricity Board [Administrative Branch] has issued proceedings in [Per.] FB TANGEDCO Proceedings No.22, dated 25.10.2012 absorbing the services of the contract labourers engaged directly by the Tamil Nadu Electricity Board on need basis on daily wages and who have also received Ex-Gratia amount. It is the claim of the petitioner that he is directly employed and engaged by the Tamil Nadu Electricity Board and as such, he is entitled to the benefit of the above said proceedings dated 25.10.2012. The petitioner and 19 others had also filed WP.No.6255/2014 praying for issuance of a writ of mandamus directing the respondents 1 to 3 herein to furnish the original copies of working particulars of 171 persons who were appointed as Mazdoors as per the above said Board Proceedings dated 25.10.2012 to the 5th respondent, namely the Labour Officer, Krishnagiri and compare the same with the working particulars of the petitioners therein and engage them as contract workmen on need basis. This Court, vide order dated 06.11.2014, has directed the Labour Officer, Krishnagiri, to consider the representation of the petitioners therein dated 04.11.2013 and pass orders on merits and in accordance with law, after conducting an enquiry. Accordingly, the 4th respondent/Labour Officer, Krishnagiri, has conducted an enquiry and submitted a report dated 13.02.2015 to the 3rd respondent herein. The petitioner, thereafter, submitted a representation dated 16.02.2015 to the respondent/Corporation praying for absorption into the Board's service in the light of the above said proceedings and since no orders have been passed, he came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner ; Mr.Fakir Mohideen, learned Standing counsel who accepts notice on behalf of the respondents 1 to 3 and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the 4th respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 16.02.2015 on merits and in accordance with law 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP
To

- 1.The Chief Engineer Personnel
Tamil Nadu Generation and Distribution
Corporation Ltd., No.144, Anna Salai,
Chennai 600 002.
- 2.The Superintending Engineer
Dharmapuri Electricity Distribution Circle
Tamil Nadu Generation & Distribution
Corporation Ltd., Dharmapuri District.
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Tamil Nadu Generation & Distribution
Corporation Ltd., Krishnagiri District.
- 4.The Labour Officer
Krishnagiri.

+1 cc to Mr.K.Sasindran Advocate sr.58507
+1 cc to Government Pleader sr.58623

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