

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35771 of 2015

and

M.P.No.1 of 2015

K.Sivakumar

.. Petitioner

..vs..

1. The Tamil Nadu Electricity Generation and Distribution Corporation Ltd., (TANGEDCO), rep. by its Chairman, No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer (Personnel), TANGEDCO, No.144, Anna Salai, Chennai - 600 002.
3. The Superintendent Engineer, TANGEDCO, Dindigul District, Dindigul.
4. The Inspector of Labour, Dindigul District, Dindigul. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to implement the order of the 4th respondent in Application No.E/4924 of 2001 dated 23.12.2002 passed under the provisions of the Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and consequently, direct the respondents 1 to 3 to absorb the petitioner in the 1st respondent Corporation as Permanent Employee based on the representation submitted by the petitioner dated 17.4.2015 with all consequential and other attendant benefits, within a time frame.

For Petitioner : Mr.G.Sankaran
For respondents 1 to 3 : Mrs.R.Varalakshmi,
Standing Counsel

For 4th respondent : MR.V.Jayaprakash Narayanan
Spl.Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed seeking for a Writ of Mandamus to direct the respondents 1 to 3 to implement the order of the 4th respondent in Application No.E/4924 of 2001 dated 23.12.2002 and consequently, to direct them to absorb the petitioner in the 1st respondent Corporation as a Permanent Employee.

3. According to the petitioner, he was appointed as a Contract Labourer in the year 1997 in the Tamil Nadu Electricity Generation and Distribution Corporation Ltd., under the control of the third respondent and he completed 480 days of continuous service within a period of 24 calendar months along with other similarly placed persons. The fourth respondent who is the competent authority under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 passed an order for conferment of permanent status in favour of the petitioner and other similarly placed persons vide order dated 23.12.2002 in Application No.E/4924 of 2001. Despite several representations seeking for implementation of the order of the fourth respondent, the third respondent has not done so far. Hence the present Writ Petition.

4. The learned counsel for the petitioner would submit that in similar facts and circumstances, this Court, vide orders dated 31.03.2011, 18.02.2015 and 09.06.2015 respectively in W.P.No.7368 of 2011, W.P.Nos.21040 to 21044 of 2015 and W.P.No.16250 of 2015, has directed the respondents therein to comply with the orders passed by the authority constituted under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and hence, he prays for similar orders.

5. Heard Mrs.R.Varalakshmi, learned Standing Counsel who accepts notice on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 17.04.2015 on merits and in accordance with law, after taking note of the fourth respondent's order dated 23.12.2002 made in Application No.E/4924 of 2001 and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7. The Writ Petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

asvm

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Chairman,
The Tamil Nadu Electricity
Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
3. The Superintendent Engineer,
TANGEDCO,
Dindigul District, Dindigul.
4. The Inspector of Labour,
Dindigul District, Dindigul.

+ 1 cc to Mr.G.Sankaran, Advocate SR 61680

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