

In the High Court of Judicature at Madras

Dated: 30.11.2015

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

W.P.No.38046 of 2015

and

M.P.No.1 of 2015

V.MUTHUKUMAR

...PETITIONER

Vs.

1.TAMIL NADU ELECTRICITY GENERATION
AND DISTRIBUTION CORPORATION LTD., (TANGEDCO)
REP. BY ITS CHAIRMAN, NO.144,
ANNA SALAI, CHENNAI-2.

2.THE CHIEF ENGINEER (PERSONNEL),
TANGEDCO, NO.144, ANNA SALAI,
CHENNAI-2.

3.THE SUPERINTENDING ENGINEER,
TANGEDCO, DINDIGUL DISTRICT,
DINDIGUL.

4.THE INSPECTOR OF LABOUR,
DINDIGUL DISTRICT, DINDIGUL.

...RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 3 to implement the order of fourth respondent in Application No.534 of 1998 dated 23.4.2001 passed under the provisions of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act 1981 and consequently directing respondents 1 to 3 to absorb the petitioner in the first respondent Corporation as a permanent employee with all consequential benefits and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents 1 to 3 : Mrs.R.Varalakshmi

For Respondent-4 : Mr.S.Diwakar, AGP

ORDER

Mrs.R.Varalakshmi, learned Standing Counsel accepts notice for respondents 1 to 3. Mr.S.Diwakar, learned Additional Government Pleader accepts notice for the fourth respondent. Heard the learned counsel for the petitioner. By consent, the writ petition itself is taken up for final disposal.

2. It is the case of the petitioner that he has completed more than 480 days of service within a period of 24 calendar months, along with other similarly placed persons and through the workers union, placed all the materials to the Inspector of Labour, Dindigul - the fourth respondent herein. The fourth respondent, who is the Competent Authority, issued orders on 23.4.2001 for the conferment of permanent status to the petitioner and others. The fourth respondent, in exercise of the powers under the provisions of the Tamil Nadu Act 46 of 1981, passed orders for conferment of permanent status to the petitioner and others in the erstwhile Tamil Nadu Electricity Board. However, the respondent Board has not chosen to implement the same by absorbing the petitioner and others on permanent basis. In these circumstances, the petitioner gave a representation dated 3.8.2015 to the first respondent. According to the petitioner, the first respondent has not yet considered the same.

3. Mrs.R.Varalakshmi, learned Standing Counsel for respondents 1 to 3 submitted that the first respondent may be directed to consider and pass orders on the representation dated 3.8.2015 given by the petitioner within a stipulated time.

4. The learned counsel for the petitioner also submitted that it would be suffice to direct the first respondent to consider the representation of the petitioner dated 3.8.2015 and pass orders, taking into consideration the orders passed by the fourth respondent on 23.4.2001, within the stipulated time.

5. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the cases, the writ petition is disposed of with a direction to the first respondent to consider the petitioner's representation dated 3.8.2015 on merits and pass appropriate orders and in accordance with law, taking into consideration the orders passed by the fourth respondent dated 23.4.2001, within a period of eight weeks from the date of receipt of a copy of

this order. No costs. Consequently, the above MP is closed.

RS

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.THE CHAIRMAN, TAMIL NADU ELECTRICITY GENERATION AND DISTRIBUTION CORPORATION LTD., (TANGEDCO) NO.144 ANNA SALAI, CHENNAI-2.
- 2.THE CHIEF ENGINEER (PERSONNEL), TANGEDCO, NO.144, ANNA SALAI, CHENNAI-2.
- 3.THE SUPERINTENDING ENGINEER, TANGEDCO, DINDIGUL DISTRICT, DINDIGUL.
- 4.THE INSPECTOR OF LABOUR, DINDIGUL DISTRICT, DINDIGUL.
- + 1 CC TO Mr.G.Sankaran, Advocate Sr 65299.
- + 1 cc to Mrs.R.Varalakshmi, Advocate Sr 65039.
- + 1 cc to The Govt. Pleader, Sr 65209.

SCD/CO
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