

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.138 of 2016

V.Yuvaraj

.. Petitioner

Vs.

The Chairman cum Managing Director
Tamil Nadu Generation & Distribution Corporation
No.144, Anna Salai,
Chennai-2.

2.The Chief Engineer Personnel
Tamil Nadu Generation & Distribution Corporation
No.144, Anna Salai,
Chennai-2.

3.The Superintending Engineer
General Construction circle
Tamil Nadu Generation & Distribution Corporation
Guindy, Chennai-32

4.The Controlling Officer
G.C.C.Stores-I
Tamil Nadu Generation & Distribution Corporation
Sriperumpudur - 602 105.
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to absorb the petitioner on permanent basis considering the service of the petitioner as a contract labour from 1992 and received exgratia from 1996-2003 as per the report of the 3rd respondent in letter No.3123/Vu.Ni.A/Nir.II/Vu respondents dated 04.03.2014 and representation to the respondents dated 27.08.2015.

For Petitioner : M/s.S.Doraisamy

For respondents : M/s.R.Varalakshmi

O R D E R

The petitioner has come up with the present writ petition for issuance of writ of mandamus directing the respondents to

absorb the petitioner on permanent basis considering the service of the petitioner as a contract labour from January 1992.

2.The case of the petitioner is that he was working as contract labour from January 1992 to till date in Central Store/General Construction circle-II/Sriperumpudur under the fourth respondent herein. Since he was working continuously for more than 480 days in the respondents department, he is entitled for regularisation of his service. On 08.09.2007 by an order of the Chief Engineer, those who were received exgratia payment from the year 1997 were brought under the regular time scale of pay, but the case of the petitioner was not considered. Therefore, he made a representation dated 13.09.2012 to the third respondent. The third respondent has forwarded the representation along with the report submitted by the fourth respondent to the second respondent, no further action was taken. Again, the petitioner on 04.03.2014 sent a letter in proper format regarding the service of the petitioner to the second respondent. But no order was passed by the second respondent. Therefore, the petitioner sent another representation to the first respondent on 27.08.2015, since it was not considered by the respondent, the petitioner approached this Court by way of present writ petition.

4.Heard the submissions of Mr.S.Doraisamy, learned counsel appearing for the petitioner and M/s.R.Varalakshmi, who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the petitioner to submit one more representation to the second respondent by enclosing a copy of this order and relevant records within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the said representation on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

The Chairman cum Managing Director
Tamil Nadu Generation & Distribution Corporation
No.144, Anna Salai,
Chennai-2.

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1 cc to M/s.S. Doraisamy, Advocate, sr. 744

1 cc to M/s.R. Varalakshmi, Advocate, Sr. 1058

W.P.No.138 of 2016.

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