

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1865 of 2011

S.Shanmugavelu

..Petitioner

Vs.

1.The Chief Engineer (Personal),
Tamil Nadu Electricity Board,
No.144, 8th Floor,
Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Electricity Distribution Circle (South),
Tamil Nadu Electricity Board,
Thirumangalam, Anna Nagar West,
Chennai.

3.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
11th Main Road, Anna Nagar,
Chennai.

4.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
CEDC/West, Arumbakkam,
Chennai - 600 106.

5.The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arumbakkam, Chennai - 600 106.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, to direct the 1st and 2nd respondents to include the petitioner name in the contract labourer's identification list of the 2nd respondent's

circle and absorb them into the Board as per Board's proceedings in PER.B.P.(CHAIRMAN) No.9 dated 09.01.2008 by considering the petitioner's representation dated 15.10.2008 and 28.09.2010.

For Petitioner : Mr.Durai Gunasekaran
For Respondents : M/s.R.Varalakshmi (EB)

O R D E R

Heard Mr.Durai Gunasekaran, learned counsel for the petitioner; and M/s.R.Varalakshmi learned counsel appearing for the respondents (EB); and with their consent, the writ petition is taken up for final disposal.

2.The petitioner, in this writ petition, seeks for issuance of a writ of mandamus to direct the 1st and 2nd respondents to include the petitioner name in the contract labourer's identification list of the 2nd respondent's circle and absorb them into the Board as per Board's proceedings in PER.B.P.(CHAIRMAN) No.9 dated 09.01.2008 by considering the petitioner's representation dated 15.10.2008 and 28.09.2010.

3. The grievance of the petitioner is that the petitioner was working as contract labourer in T.N.E.B under the control of the 2nd respondent from the year 1990. The petitioner having more than 20 years field experience in the Board, persons who have less experience and far below juniors to them have been absorbed by the Board. But the respondent Board has not yet been absorbed them inspite of his repeated requests. The respondent Board has passed Board proceedings in Per.B.P(Chariman) No.9 dated 09.01.2008 for regularization of service of contract labourers those who are not covered by 12(3) settlement for exgratia payment and absorption and for the said purpose the Board has constituted a committee consisting of the following officers:

(i) Member (Accounts) ii) Member (Distribution) (iii) Secretary
(iv) Chief Engineer/Personnel (v) Senior Personnel Officer/Labour.

4. The learned counsel for the petitioner has submitted that the 1st respondent is the convener of the above said committee. In the annexure of the said Board proceedings, the mode of identification has been described in clause (b) and (e) of the said B.P states as follows:-

a) To examine the claims of the contract labourers who were engaged prior to 6.1.98 and omitted for sanction of

exgratia.

b) In the event of considering the claims of contract labourers covered under clause (a) to (d), the period in which their cases are to be considered for absorption.

5. The learned counsel for the petitioner would further submit that the 3rd respondent has not included the petitioner's name in the identification list. The 5th respondent herein has recommended the petitioner's name to the 4th respondent for identification list prepared by the 2nd respondent. According to the petitioner, the said representation made by the petitioner was not considered till now.

6. The learned counsel for the respondent would submit that the petitioner Board has identified the contract labourers on 08.08.1988 who have been engaged on need basis for five years or more as on 31.03.1997. If the petitioner had worked during 08.08.1998, he would have been identified. Further, in Board proceedings 9 dated 09.01.2008, the Board had ordered for regularization of service of contract labourers, especially those who were not covered by the 12(3) settlement or ex-gratia payment and absorption for only those who had worked continuously and paid (ex-gratia). None of the above was applicable to the petitioner. But, according to the learned counsel for the petitioner that he is satisfied the said condition for regularization of service. Therefore, the liberty is granted to the petitioner to furnish the additional documents before the second respondent.

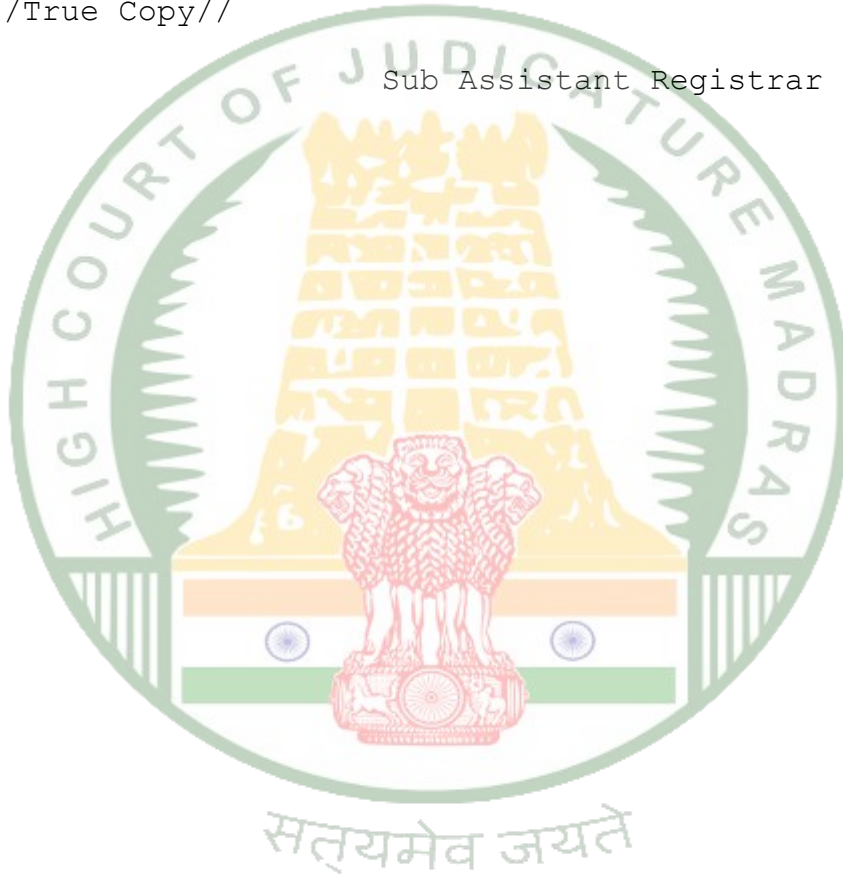
7. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent is directed to consider the representation dated 15.10.2008 and 28.09.2010 on merits in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and also by considering the any additional documents has been filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

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+1cc to Mr.Durai Gunasekaran, Advocate, S.R.No.73565

ssk(CO)
md(19/01/2017)

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