

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.24618 of 2016

R.Shanmugasundaram

... Petitioner

Vs.

1. The Tamilnadu Industrial Development Corporation Limited represented by its Managing Director, Chennai-600 008.
2. Jayamkondam Lignite Power Corporation Limited represented by its Public Relations Officer No.768, Anna Salai, Chennai-600 002.
3. The District Collector Ariyalur.
4. The Special Tahsildar (L.A.) Jayamkondam Lignite Power Corporation Limited Jayamkondam-621 802 Ariyalur District.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent relating to his order in (1) Na.Ka.No.E/230/2011, dated 25.01.2016 (2)Na.Ka.No.E/230/211/2015, dated 10.02.2016, to quash the same and to issue consequential direction to the respondents to issue orders regularising the services of the petitioner from the year 1993 to 31.05.2009 (deemed date of retirement) and issue order that he shall be deemed to have retired from service on 31.05.2009 AN with all retirement and pensionary benefits and to disburse all consequential monetary benefits within a time frame and pass such further orders as are just and necessary in the circumstances of the case.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Rajendra Prasad
Government Advocate

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent relating to his order in (1)Na.Ka.No.E/230/2011, dated 25.01.2016 (2)Na.Ka.No.E/230/211/2015, dated 10.02.2016, to quash the same and to issue consequential direction to the respondents to issue orders regularising the services of the petitioner from the year 1993 to 31.05.2009 (deemed date of retirement) and issue order that he shall be deemed to have retired from service on 31.05.2009 AN with all retirement and pensionary benefits and to disburse all consequential monetary benefits within a time frame.

3. According to the petitioner, he was appointed as Watchman on daily wage basis in Jayamkondam Lignite Power Corporation Limited in the year 1993. Subsequently, on 03.11.2004, he was posted as Office Assistant as per the orders of the 1st respondent, and served as such, till March, 2013. Though, the petitioner was due to retire on 31.05.2009, he was allowed to continue in service till March, 2013, thereafter, he was orally informed not to attend the duty. According to the petitioner, by virtue of his continuous and uninterrupted service for more than 16 years from 1993 to 31.05.2009, he is entitled to have his services regularised and absorbed in regular establishment. In this regard, he has made several representations. He has also made a representation seeking to grant terminal benefits by way of gratuity for the services rendered by the petitioner. The 4th respondent rejected the petitioner's claim for gratuity by stating that he was engaged only on daily basis. The petitioner has also made a representation to the 1st respondent on 15.03.2016, but, there is no response. Hence, the petitioner has filed this Writ Petition seeking the relief stated supra.

4. Mr.M.Ravi, the learned counsel for the petitioner would submit that as against the impugned orders, the petitioner is intending to prefer an appeal before the Appellate Authority, viz., the 1st respondent and if such an appeal is filed, he requests that it may be directed to be disposed of at the earliest.

5. Mr.K.Rajendraprasad, the learned Government Advocate, who took notice for the respondents, would submit that the appeal may be directed to be preferred by the petitioner in the prescribed format.

6. Taking into consideration that the petitioner has restricted the relief sought for in this Writ Petition and now, he only seeks to prefer an appeal as against the impugned orders to the Appellate Authority, the petitioner is permitted to prefer an appeal in the prescribed format before the 1st respondent, within a period of fifteen (15) days from the date of receipt of a copy of this order. On filing such appeal within the time stipulated hereinabove, the 1st respondent is directed to consider the same and pass appropriate orders, after affording sufficient opportunity to the petitioner, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Managing Director
The Tamilnadu Industrial Development
Corporation Limited
Chennai-600 008.
2. The Public Relations Officer
Jayamkondam Lignite Power Corporation Limited
No.768, Anna Salai, Chennai-600 002.
3. The District Collector
Ariyalur.
4. The Special Tahsildar (L.A.)
Jayamkondam Lignite Power Corporation Limited
Jayamkondam-621 802
Ariyalur District.

+lcc to Mr.M.Ravi, Advocate, S.R.No.40357

+lcc to the Government Pleader, S.R.No.40623

W.P.No.24618 of 2016

PA(CO)

CA(29/07/2016)