



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE SANJAY KISHAN KAUL,
THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

W.A.(MD)No.36 of 2016
and
C.M.P(MD)No.229 of 2016

- 1.The Chairman,
Tamil Nadu Electricity Board,
Mount Road, Chennai.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Mount Road, Chennai.
- 3.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli.
- 4.The Executive Engineer,
Distribution I TNEB,
Kadayanallur,
Tirunelveli District. ...Appellants/Respondents

Vs.

U.Eswaran ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent Act, against the order dated 30.03.2015 passed in W.P(MD)No.5876 of 2009.

Prayer in WP(MD). 5876/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, to direct the 1st respondent to consider the petitioner's service dated 1.9.1991 in maintaining the list proposed for appointment of Casual Labour as TCL Assessor in the T.N.E.B. and further more direct the 1st respondent to maintain



the petitioner's name in above the petitioner's junior in accordance with seniority possessed by the petitioner.

For Appellants ... Mr.G.Kasinathadurai
Mr.R.Rajaraman for
For Respondent ... Mr.A.Nister Hakeem

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JUDGMENT

(Judgment of this Court was delivered by
THE HON'BLE THE CHIEF JUSTICE)

The respondent filed a Writ Petition under Article 226 of Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the respondent's service from 01.09.1991 in maintaining the list proposed for appointment of Casual Labour as TCL Assessor in the appellant organisation.

2. The only question raised was from which date the respondent is eligible, as he claimed that it was in the year 01.09.1991, he was first engaged and that erroneously his date of engagement has been mentioned in the register as 01.09.1996. This wrong entry had resulted in his juniors engaged as contract labour during the year 1994, having been shown as seniors to the respondent and the grievance of the respondent had not been redressed despite representations.

3. The appellant before us choose not to file any counter affidavit despite the matter pending for six years and repeated adjournments. Other than orally stating that the respondent had been engaged only from 01.09.1996, nothing more was done. This is despite the fact that the respondent produced Certificate, but orally that was sought to be denied by the appellants as not having been issued by an authorised person.

4. We are of the view that the learned Single Judge has rightly concluded that the averment has to be accepted while allowing the Writ Petition on 30.03.2015 and directing that the list prepared for appointment of causal labour as TCL Assessor should include the name of the respondent with seniority from 01.09.1991.

5. The learned Counsel for the appellants has not been able to show any reason to interfere with the impugned order especially as the appellant had failed to even put forth his case before the learned single Judge or produce any material in support of his case. In the absence of any such material, a finding of fact has been recorded by the learned single Judge based on the averments and material produced by the respondent. No ground is



made out and the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

/Sd
Assistant Registrar

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/True copy/

Sub Assistant Registrar

To

- 1.The Chairman,
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Tirunelveli.
- 4.The Executive Engineer,
Distribution I TNEB,
Kadayanallur,
Tirunelveli District.

+1cc to M/s.G.Kasinathadurai Advocate in SR.No.29100
+1cc to Mr.A.Nister Hakkeem Advocate in SR.No.29085

SDR/SKS-RR/16.06.2016/3P/7C

W.A. (MD) No.36 of 2016
09.06.2016