



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN,J.

W.P.(MD) No.24946 of 2016

Periyasamy ... Petitioner
vs.

1.The Principal Secretary to Government,
Department of Energy,
Secretariat, Chennai-600 009.

2.The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Annasalai, Chennai-600 002.

3.The Chief Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Thenur, Tiruchirappalli -620 017.

4.The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited,
Karur.

5.The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Limited,
Thogaimalai, Karur District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of the 4th respondent passed in letter No.937/Adm.I/A2/F.Doc/2016-6, dated 12.04.2016 and quash the same and consequently direct the respondents 1 to 4 to absorb the petitioner considering his services with the 4th and 5th respondents for more than 11 years in the Tamil Nadu Electricity Board.

For Petitioner :Mr.T.M.Madasamy

For Respondents :Mr.AK.Baskara Pandian for R1
Special Government Pleader

Mr.A.U.Ramanathan for R2 to R5

O R D E R

The petitioner challenging the impugned order, dated 12.04.2016 has approached this Court. Since his service has not been regularised, the petitioner filed a writ petition in W.P. (MD).No.20458 of 2015 earlier and this Court while disposing of the batch of writ petitions including the writ petition filed by the petitioner, vide order dated 18.11.2015, at paragraph number 4 has observed as follows:-

"In view of the such narrow prayer made, the writ petition is disposed of permitting the petitioners to make a fresh representation, as no acknowledgment is enclosed in the typed-set of papers and on such representation being received, the fourth respondent is directed to pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of the representation. If the fourth respondent passed any order rejecting the claim of the petitioner, the petitioner is at liberty to approach the concerned authority under the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981."

2. Instead of approaching the Authority concerned for permanent status by filing necessary documents and letting evidence, the petitioner has come forward with the afore-said prayer. Since the service particulars are in dispute, it is for the parties to establish their case before the authority concerned.

3. *De hors* the order, dated 18.11.2015 mentioned supra, the remedy open to the petitioner is only before the Authority under the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. In view of the observation made supra, more particularly, in the light of the order extracted above, the writ petitions is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

jikr
To

1.The Principal Secretary to Government,
Department of Energy,

<https://hcservices.secureonline.in> Chennai-600 009.



2.The Chairman,
Tamil Nadu Electricity Generation and
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Annasalai, Chennai-600 002.

3.The Chief Engineer,
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5.The Assistant Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited,
Thogaimalai, Karur District.

+1CC to Spl.Government Pleader Sr.No.83593

GJM/SS2/KSM/19.1.17-3p-7c

W.P. (MD) No.24946 of 2016
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