

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4297 of 2014

S.Periyasamy

... Petitioner

Vs

1.The Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
Rep. by the Chairman,
No.144, Annasalai, Chennai - 2.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
No.144, Annasalai, Chennai - 2.

3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
Distribution Circle,
Keeper Hills, Cuddalore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the
Constitution of India praying to issue a Writ
of Mandamus, directing the respondents to absorb the
petitioner in the Tamil Nadu Electricity Generation and
Distribution Corporation, by regularizing the petitioner's
service.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Fakkir Mohideen

WEB COPY
O R D E R

The relief sought for in this writ petition is for a
direction to direct the writ petitioner to absorb the
petitioner in the Tamil Nadu Electricity Generation and
Distribution Corporation, by regularizing the services of the
petitioner.

2.Appointment or regularization cannot be claimed as a
matter of right. In view of the legal principles settled by
the Hon'ble Supreme Court of India in the case of State of

Karnataka Vs. Umadevi reported in 2006 4 SCC page No.1, all the appointments are to be made by following the recruitment rules in force and in accordance with the constitutional scheme. Equal opportunity in employment is a constitutional perspective and there cannot be any discrimination amongst the eligible persons. All appointments are to be made only through open competitive process by following the recruitment rules in force. Back door entries in public employment cannot be entertained nor the High Court can issue any direction to provide appointment or to regularize the services of the employees who are working temporarily and not appointed under service rules in forces. The legal principles has been settled by the Constitutional Bench of the Hon'ble Apex Court of India.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the respondents themselves had issued proceedings in Per.B.P.(CHAIRMAN) No.9, dated 09.01.2008 and framed a scheme.

4.However, any scheme framed by the State/Union, in violation of the legal principles settled by the Constitutional Bench of the Hon'ble Supreme Court of India cannot directed to be implemented and all the schemes should satisfy the principles of equality and there cannot be any discrimination in the matter of providing equal opportunity to be given in the public employment to the citizens of this Great Nation.

5.Thus, without going into the merits of the case, the respondents are directed to consider the representation submitted by the writ petitioner on 27.12.2013 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition stands disposed of. However there is no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ah

To

1.The Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
Rep. by the Chairman,
No.144, Annasalai,
Chennai - 2.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
No.144, Annasalai,
Chennai - 2.

3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
Distribution Circle,
Keeper Hills,
Cuddalore.

+1cc to Mr.Fakkir Mohideen, Advocate, S.R.No.72303
+1cc to Mr.N.Suresh, Advocate, S.R.No.72183

W.P.No.4297 of 2014

SSI(CO)
GN(20/11/2017)



WEB COPY