

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1989 of 2017

Tamil Nadu Electricity Board General Employees Union
Registration No.CPT 1357/1996
represented by Mr.C.Arumugam
General Secretary
Having office at No.34, Third Street
Bharath Nagar
Ernavoor, Chennai-57 ... Petitioner

-vs-

1. The Chairman
Tamil Nadu Electricity Board (TANGEDCO)
Door No.144, Anna Salai
Chennai-2
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board (TANGEDCO)
Door No.144, Anna Salai
Chennai-2
3. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Chennai Electricity Distribution Circle (South)
110 KV Sub Station Complex
K.K.Nagar, Chennai-78
4. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Chennai Electricity Distribution Circle (North)
Door No.797, EB Complex
Anna Salai, Chennai-78
5. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Chennai Electricity Distribution Circle (Central)
Nungambakkam High Road
Nungambakkam, Chennai-34

6. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Chennai Electricity Distribution Circle (West)
Tirumangalam, SS Complex
Anna Nagar, Chennai-102
7. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Krishnagiri Electricity Distribution Circle
Krishnagiri
8. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Ramanathapuram Electricity Distribution Circle
Ramanathapuram District
9. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Tiruvannamalai Electricity Distribution Circle
Tiruvannamalai, Tiruvannamalai District
10. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Dharmapuri Electricity Distribution Circle
Dharmapuri District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to identify the members of the petitioner's union as per BP (Chairman) No.9 Administrative Branch dated 09.01.2008 based on the representation dated 05.01.2017.

For Petitioner :: Ms.R.Poornima
For Respondents :: Mrs.R.Varalakshmi

ORDER

This writ petition has been wrongly filed by the Tamil Nadu Electricity Board General Employees Union represented by its General Secretary seeking a prayer for issuance of a writ of mandamus, directing the respondents to identify the members of the petitioner's union as per BP (Chairman) No.9 Administrative Branch dated 09.01.2008, based on the representation dated 05.01.2017.

2. This writ petition, on the face of it, is not maintainable. The reason is that when the claim of the petitioner-Union for absorption of its members was already

rejected by the second respondent in Letter No.085736/730/G.58/G.582/ 2015-4 dated 29.4.2016 mentioning clearly as under,

"(c) The 580 individuals have not been identified during 08.08.1998 or 11/2007 and have not received any exgratia since they have neither worked continuously in any circles nor any evidences are available to that effect.",

and the same was also communicated to Mr.C.Arumugam, General Secretary of Tamil Nadu Electricity Board General Employees Union, it is not known why the petitioner has left conveniently not to challenge that order. Secondly, the Electricity Board has also negated the claim for absorption of 580 individuals into the Board as not feasible of compliance, since they have not satisfied the conditions necessary for absorption as contract labour, citing a reason that they have not worked continuously and have not been identified during 1998 and 2007. Therefore, it is for the petitioner to challenge the correctness of the order, if so advised. Without challenging that order, this Court may not be in a position to accede to the prayer, which will again run contrary to the order dated 29.4.2016 mentioned above. In view thereof, this writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Tiruvannamalai, Tiruvannamalai District
10. The Superintending Engineer
Tamil Nadu Electricity Board (TANGEDCO)
Dharmapuri Electricity Distribution Circle
Dharmapuri District

+1cc to Mr.R. Varalakshmi, Advocate, S.R.No.5701
+1cc to Mr.R. Poornima, Advocate, S.R.No.5316

nm(CO)
md(01/03/2017)

W.P.No.1989 of 2017