

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.34675 of 2012

P.Ramalingam

.. Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
Nandanam, Madras.
- 2.The Superintending Engineer,
Villupuram Division, Villupuram.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Thirukovilur, Villupuram District.
- 4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Mugaiyur Zone, Thirukovilur Taluk,
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents to regularise the petitioner as Mazdoor by considering his representation dated 21.11.2012.

सत्यमेव जयते

For Petitioner .. Mr.R.Jayaprakash

For Respondents... Mr.M.Fakkir Mohideen

WEB COPY

ORDER

The petitioner has approached this Court seeking the following relief:

to issue a writ of mandamus directing the respondents to regularise the petitioner as Mazdoor by considering his representation dated 21.11.2012.

2.The case of the petitioner is that he was working as contract labourer with the respondent Board from 1997 till date. Although the petitioner has been continuously employed for nearly 20 years, his services have not been regularised in any suitable post of the Board. According to the petitioner, the Board is also not maintaining any proper records for having employed the petitioner for so long. According to the petitioner, several workers, whose services were engaged on contract basis like the petitioner herein have been regularised over a period of time but unfortunately the petitioner alone has been singled out in the matter of regularisation.

3.According to the petitioner, he is entitled for regularisation on completion of 480 days of service in 24 months as per the provisions of Tamil Nadu Industrial and Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and therefore, the petitioner having completed 480 days, cannot be denied the permanent status as that would be violative of the Act and also violative of Article 14 of the Constitution of India. The inaction on the part of the respondents in not regularising the services of the petitioner for all these years is also contrary to various Board proceedings and the scheme floated by the Board for regularisation of casual employees and in the said circumstances, the petitioner submitted a representation on 21.11.2012 and the said representation had not evoked any response from the Board. Therefore, the petitioner had approached this Court seeking the issue of a writ of mandamus.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5.Since the prayer itself in the writ petition is for a limited direction to consider and dispose of the representation and for giving such a direction there would not be any objection from the respondents, this Court directs the competent authority to dispose of the representation dated 21.11.2012 said to have been submitted by the petitioner seeking the relief of regularisation of his service as a regular employee in any suitable post. The competent authority is directed to pass orders within a period of two months from the date of receipt of

a copy of this order and the same shall be communicated to the petitioner. It is made clear that the competent authority is directed to consider the claim of the petitioner sympathetically with reference to the instructions/rules in force.

6. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
Nandanam, Madras.
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4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Mugaiyur Zone, Thirukovilur Taluk,
Villupuram District.

+1 cc to M/s.R.Jayaprakash Advocate sr 69658
+1 cc to M/s.M.Fakkir Mohideen Advocate sr 70533

W.P.No.34675 of 2012

mr(co)
aa11/10/2017