



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**
W.P (MD) No.13620 of 2017

WEB COPY

A.Muthuramkumar

... Petitioner

Vs.

1.The Chief Engineer,
Tamil Nadu Electricity and Distribution
Administrative branch,
No.144, Anna Salai,
Chennai-2.

2.The Superintending Engineer,
Operation and Efficiency-I
Tuticorin Thermal Power Station,
Tuticorin-4.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.09.2014 within the time limit that may be stipulated by this Court for the following among other facts and circumstances of the case.

For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents : Mr.AU.Ramanathan

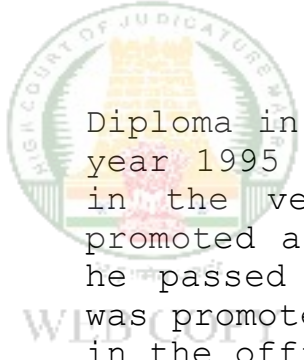
O R D E R

The petitioner has come up with this writ petition seeking a direction, directing the respondents to consider the petitioner's representation, dated 29.09.2014 within the stipulated time.

2.Heard Mr.A.D.Ganeshamoorthi, learned counsel appearing for the petitioner and Mr.AU.Ramanathan, learned counsel appearing for the respondents.

3.By consent of both sides, this writ petition itself is taken up for final disposal.

4.The petitioner was appointed as a contract labour in the office of the second respondent on 02.05.1992, as he possessed



Diploma in Electronics in the year 1987. After passing AMIE in the year 1995 in the Electrical Department, he was absorbed as Helper in the very same department on 01.05.1999. Later on, he was promoted as Assistant Engineer in the year 2002 and subsequently, he passed M.E., Computer Science and Engineering. Therefore, he was promoted as Assistant Executive Engineer and till now, working in the office of the second respondent.

5.The claim of the petitioner is that originally, he was appointed as a Contract labour and on 02.05.1992 he was absorbed as Helper in the very same Department and hence, the subsequent period should be taken into account and therefore, he will be able to get further promotion.

6.But, the law is well settled that the services rendered by any contract employee cannot be taken into account for the purpose of promotion. However, the learned counsel for the petitioner drawing the notice of this Court to the order made in W.P.(MD).No.11604 of 2009 dated 27.02.2014, submitted that this Court, in the said unreported order, has given a direction to take into account the service rendered through INDCOSERVE (Industrial Co-operative Services Society Limited) in the same Thermal Power Station for the purpose of pensionary benefits. In that case, the service rendered by an employee through INDCOSERVE with the Thermal Power Station, would be taken into account for the limited purpose of giving pension.

7.A perusal of the order shows that the petitioner has put in 9 ½ years of service and the requisite qualified service for claiming pension is 10 years. Therefore, this Court is not inclined to direct the respondents to take into account the service rendered through INDCOSERVE from 02.05.1992 to 01.05.1999 and the same is not applicable to the present case.

8.For the reason mentioned above, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Engineer,
Tamil Nadu Electricity and Distribution
Administrative branch,
No.144, Anna Salai,
Chennai-2.



2.The Superintending Engineer,
Operation and Efficiency-I
Tuticorin Thermal Power Station,
Tuticorin-4.

+1cc to M/S.A.D.GANESHA MOORTHY, Advocate SR.No.67412

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MAS/GT/SAR3:20.10.2017:3P-4C

W.P (MD) No.13620 of 2017
24.07.2017