

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1823 of 2017
and
C.M.P.No.22815 of 2017

1. The Chief Engineer,
Administration,
Tamil Nadu Electricity Board,
Erode.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal.
- 3 The Assistant Engineer,
Construction & Improvement,
Tamil Nadu Electricity Board, Namakkal.
4. The Junior Engineer,
Construction and Improvement,
Tamil Nadu Electricity Board,
Namakkal.

Appellant

Versus

P.Chandramohan

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.12.2013 passed in W.P.No.13220 of 2009 on the file of this court.

Prayer in WP.No.13220 of 2009:Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus to call for the records in pursuant to the impugned order passed by the 4th Respondent in Proceedings Ku.Aa.No.E.Po//Ka & Mey/Na/Kho.O.Tho/No.9/2009 dated 17.04.2009 and quash the same and direct the Respondents to appoint the petitioner in the permanent post of mazdoor in the regular time scale of pay retrospectively with effect from the date on which his immediate juniors appointed as contract labourers with all monetary and other consequential service benefits.

For appellants : Mr.Anandha Gopalan for
M/s.T.S.Gopalan & co.,
For respondent : Ms.Swadhi Subramaniam for
M/s.R.Prem Narayan

JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

Heard the learned counsel appearing for the appellants and Ms.Swadhi Subramaniam, learned counsel who takes notice on behalf of the respondent.

2. The writ appeal has been filed by the Tamil Nadu Electricity Board, challenging the order passed by the learned Single Judge giving directions to the appellants to absorb the writ petitioner on completion of ten years of service on par with his juniors without any backwages.

3. It appears that originally, the claim made by the writ petitioner was rejected by the appellants, which was under challenge before the learned Single Judge and pending writ petition, appointment was given to the writ petitioner as Mazdoor Trainee on 20.11.2012 itself, subsequent to his undertaking dated 3.11.2012, to forgo certain benefits and that he would not make any claim in future on the same issue. It further appears that such a development was not brought to the notice of the learned Single while disposing of the writ petition with a positive direction in favour of the writ petitioner.

4. In view of the above development that the writ petitioner had given an undertaking that he would not make any future claim on the issue, the order passed by the learned Single Judge needs to be modified to that extent. If at all, the writ petitioner can claim to have been aggrieved over the present appointment order and not the earlier order. In such an event, liberty is given to the writ petitioner to work out his remedy in the manner known to law, or by way of giving representation to the authority concerned.

5. The writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Chief Engineer,
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Tamil Nadu Electricity Board,
Erode.
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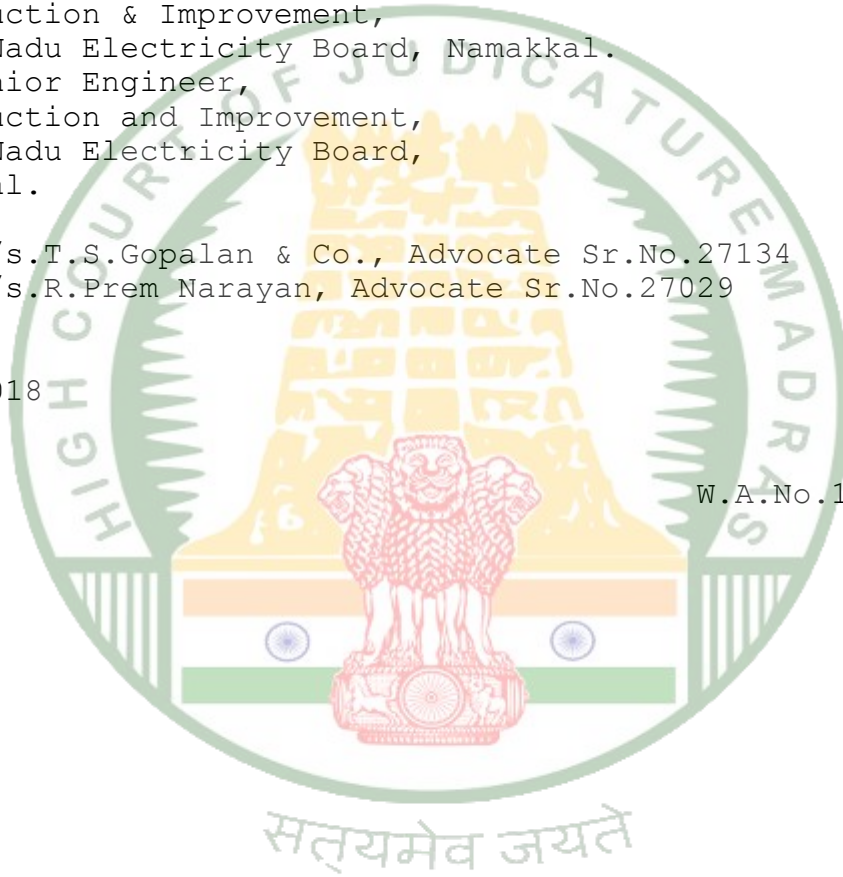
+lcc to M/s.T.S.Gopalan & Co., Advocate Sr.No.27134

+lcc to M/s.R.Prem Narayan, Advocate Sr.No.27029

MP(CO)

sm:14.5.2018

W.A.No.1823 of 2017



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