

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2018

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.24808 of 2011

S.Baskar

.. Petitioner

Vs

1. The Tamil Nadu Electricity Board,
rep.by its Chairman, No.144, 10th Floor,
NPKRR Maligai, Chennai-2.

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal District

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the petitioner for regularly absorbing the petitioner's service in any suitable post commensurate with his qualification and eligibility within a limited time frame.

For Petitioner .. Mr.M.Ravi

For Respondents ... Mr.Anand for
M/s.T.S.Gopalan Co

ORDER

The petitioner was engaged as a Contract Labourer in the respondent Board during March 1985. Initially, he was working as a Contract Labourer in Thalaivasal, Salem District. Thereafter, he was working as such from July 1990 till 31.01.1992 at Siruvachi. Further, his services were utilized from 25.02.1992 till June 1997 at R.Pudupatti Division. According to the petitioner he was issued with a experience certificate by the authority concerned for the period he was engaged on contract labour. After break for some time, according to the petitioner, he was once again employed in 2007 for Erection work, on agreement basis. According to the petitioner, the other persons, who have been employed like him, have been made permanent by the respondent Board. He has also quoted the cases of one Mr.Balasubramanian and Mr.Subramanian,

who were working along with him and were subsequently made permanent as Mazdoor and Assessor, respectively. Since the petitioner has rendered service from 1985 on contractual basis with breaks in service and that the similarly placed persons have been considered for permanent employment, he submitted a representation on 12.4.2011 to the respondent Board for his absorption. However, the representation did not evoke any response and therefore, he has approached this Court, seeking the issue of writ of mandamus.

2. Upon notice, Mr. Anand, learned counsel has entered appearance for the respondents.

3. The learned counsel appearing for the petitioner would submit that the prayer sought in the writ petition itself is to direct the respondent Board to consider the representation of the petitioner and pass orders on merits. This Court is of the view that for such direction to be issued, the learned counsel for the respondents would not have any valid objection.

4. In view of the above, there shall be a direction to the respondents to consider the representation of the petitioner dated 12.04.2011 on par with other similarly placed persons and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is also open to the petitioner to submit a comprehensive representation, citing instances of such claims, being entertained by the Board, to be considered by the authority in the matter.

With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Chairman, TNEB
No.144, 10th Floor,
NPKRR Maligai,
Chennai-2.

WEB COPY

2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Namakkal District

+1cc to Mr.M.Ravi, Advocate, S.R.No.20210

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nm(co)
cs/10/05/18



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