

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21146 of 2015 & 16257 of 2014

1.A.Raji
2.S.Ashok Kumar ..Petitioners in W.P.No.21146 of 2015
C.Madhanbabu ..Petitioner in W.P.No.16257 of 2014

vs

1.The Chief Engineer(Personnel),
TANGEDCO(formerly TNEB)
Anna Salai, Chennai - 2.
2.The Superintending Engineer,
TANGEDCO,
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai - 606 604. ... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent board to absorb the petitioners and fix petitioner seniority on par with petitioner juniors by complying with the order passed by this Hon'ble Court W.A.No.2610 of 2004.

For Petitioners : Mr.B.Manoharan(in both W.Ps)
For Respondents : Mr.G.Anand
For M/s.T.S.Gopalan & Co.
(in both W.Ps)

C O M M O N O R D E R

The relief sought for in these writ petitions are for a direction to direct the respondent board to absorb the petitioners and fix the petitioners seniority on par with his juniors by complying with the order passed by this Court in W.A.No.2610 of 2004.

2.The learned counsel appearing on behalf of the writ petitioners made a submission that the respondent Board engaged many number of workers on daily wage basis, without granting any permanent absorption. Several such employees appointed on daily wage basis had approached the Inspector of Labour under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen)Act, 1981 and the

orders were also passed in favour of the workmen.

3.The grievances of the writ petitioners are that the respondent Board challenged the award dated 31.12.2002 before this Hon'ble Court in W.P.No.26111 of 2003 and the same was dismissed by this Court and against the said order, the Board preferred a Writ Appeal in W.A.No.2610 of 2004 and the Hon'ble Division Bench passed a common order on 24.10.2008.

4.The learned counsel for the writ petitioners state that pursuant to the orders passed by the Hon'ble Division Bench, the case of the writ petitioners also is to be reconsidered and accordingly, the benefits granted to the similarly placed persons to be extended to the writ petitioners also.

5.The learned counsel for the respondents states that pursuant to the orders passed by the Hon'ble Division Bench, the respondent Board also issued Board Proceedings in B.P.No.9 dated 09.01.2008, prescribing certain terms and conditions for permanent absorption. It is made clear that the writ petitioners in the event of getting eligibility in accordance with the orders of the Hon'ble Division Bench and as per the Board proceedings in B.P.No.9 dated 09.01.2008, the case of the writ petitioners shall be reconsidered and appropriate orders shall be passed by the competent authorities/respondents.

6.In this view of the matter, the writ petitioners are permitted to submit a fresh representation to the respondents, setting out all the details and the relevant documents, if any, along with the orders passed in these writ petitions within a period of two(2) weeks from the date of receipt of a copy of this order. On receipt of any such fresh representation from the writ petitioners, the respondents are directed to reconsider the same in the light of the Board proceedings issued on 09.01.2008 and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

7.Accordingly, both the writ petitions stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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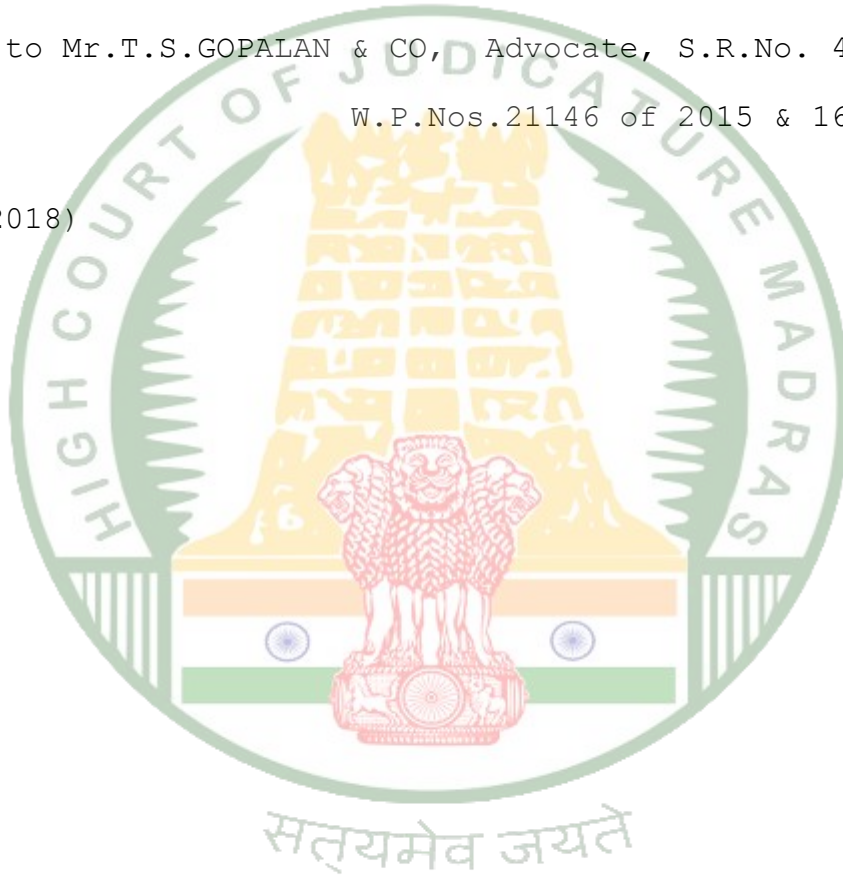
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Thiruvannamalai - 606 604.

+1cc to Mr.T.S.GOPALAN & CO, Advocate, S.R.No. 45568

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KGK(CO)
TR(26/07/2018)



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