

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2018

CORAM

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

W.P.No.13014 of 2013

and

MP. No.1 of 2013

1.P.Rajendran

2.V.Ramesh

..Petitioners

vs

1.The Chairman,
Tamil Nadu Electricity Board,
144, Annal Salai, Chennai-2.

2.The Chief Engineer(Personnel),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
144, Anna Salai, Chennai - 2.

3.Tamil Nadu Electricity Board,
Rep. By its Secretary,
800, Annal Salai,
Chennai -2.

4.The Junior Engineer,
O/M/TANGEDCO,
Thanjavur Electricity Distribution Circle,
Orathanadu Division,
Orathanadu, Thanjavur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to absorb the petitioners as a permanent employees of the first respondent.

For Petitioners

: Mr.R.N.Amarnath

For Respondents

: Mr.G.Anand

For M/s.T.S.Gopalan & Co.

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to absorb the petitioners and fix the petitioners as a permanent employees of the first respondent board.

2.The learned counsel appearing on behalf of the writ petitioner 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. At the outset, the permanent absorption or regularization can be granted only with the petitioner are appointed in accordance with the recruitment rules in force.

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, the writ petition stand disposed of. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rkp

To

1. The Chairman,
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144, Annal Salai, Chennai-2.
2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
144, Anna Salai, Chennai - 2.
3. The Secretary,
Tamil Nadu Electricity Board,
800, Annal Salai,
Chennai -2.
4. The Junior Engineer,
O/M/TANGEDCO,
Thanjavur Electricity Distribution Circle,
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Orathanadu, Thanjavur District.

+1 CC to Mr. R.N. Amarnath, Advocate sr 45919.

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GSP (30/07/2018)