

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

WP.No.19428 of 2010

1.N.Senthilkumar

2.R.Velusamy

3.M.Palanisamy

4.M.Vetrivel

5.R.Palanisamy

6.K.Chandrasekaran

7.M.Chinnusamy

8.M.Senthilkumar

9.C.Senthilkumar

...Petitioners

Vs.

1.The Chairmen,
Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai-2

2.The Chief Engineer(Personal) &
Convener of the Five Member Committee,
Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai-2

3. The Superintending Engineer(OM),
Tamil Nadu Electricity Board,
Gobi Electricity Distribution Circle,
Gobichettipalayam-52

4. The Executive Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Bhavani - 1

... Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to afford us an opportunity to appear before the five Member Committee Constituted as per B.P (Chairmen) No.9, dated 09.01.2008 and submit out case for payment of Ex-Gratia and also for absorption.

For Petitioners : Mr.S.Lakshmanasamy

For Respondents : Mr.G.Anand

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

ORDER

The relief sought for in the writ petition is for a direction to direct the second respondent to afford an opportunity to appear before five Member Committee constituted as per B.P (Chairmen) No.9, dated 09.01.2008 and submitting the case of the writ petitioners for payment of ex-gratia and for absorption.

2. The writ petitioners have stated that they were appointed in the Tamil Nadu Electricity Board as contract labourers and continued as such without any break in service . The writ petitioners were appointed in between the years 1995 to 1998. It is stated by the writ petitioners that they were paid wages on Chit agreement method by the contractor on behalf of the Board and all the particulars with regard to the services of the writ petitioners including work allocation, log sheet of sub station, attendance and M.book register were maintained by the board. The grievance of the writ petitioners are that the Board had issued an order in B.P (Chairmen) No.9, dated 09.01.2008. In spite of the orders passed by the Board, no action has been taken by the respondents to grant permanent absorption to the writ petitioners.

3. The learned counsel appearing on behalf of the respondents made a submission that Board has no objection for considering the case of the petitioners in the light of the order passed in B.P (Chairmen) No.9, dated 09.01.2008 and if the petitioners are eligible in accordance with the said Board proceedings, their cases will be considered on merits and in accordance with law.

4. In view of the fact, the Board itself is considering the cases falling under the Board proceedings, the respondents have no objection for considering the case of the petitioners based on the Board proceedings dated 09.01.2008.

5. In view of the submissions made by the learned counsel for the respondents and if the case of the writ petitioners are already not considered, then the writ petitioners are at liberty to submit a fresh representation to the respondents within a period of four weeks from the date of receipt of a copy of this Order. If such representations are received from the writ petitioners, then the respondents are directed to consider the same in accordance with the terms and conditions stipulated in Board proceedings in B.P (Chairmen) No.9, dated 09.01.2008 and pass orders on merits and in accordance with law within a period of (twelve)12 weeks thereafter.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gsa/lok

To

- 1.The Chairmen,
Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai-2
- 2.The Chief Engineer(Personal) &
Convener of the Five Member Committee,
Tamil Nadu Electricity Board,
No.144, Annasalai, Chennai-2
3. The Superintending Engineer(OM),
Tamil Nadu Electricity Board,
Gobi Electricity Distribution Circle,
Gobichettipalayam-52
4. The Executive Engineer,
Gobi Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Bhavani - 1

+1cc to Mr.T.S.Gopalan & Co, Advocate, sr.no.32883

WP.No.19428 of 2010

EV (CO)

RRK(04/06/18)