

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.28600 of 2018

1. N.Selvaraj
2. P.Manian
3. K.Anandan
4. R.Sekar
5. G.Rajasekar
6. S.Mahavishnu
7. K.Rangasamy
8. K.Nagaraj
9. T.Arusamy
10. C.Kannan
11. V.Chinnadurai
12. S.Thangavel
13. T.Thamburaj
14. T.Subramanian
15. K.Lakshmanasamy
16. S.Prakash

... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Generation and Electricity
Distribution Circle (TANGEDCO)
No.144, Anna Salai, Chennai - 2.
2. The Chief Engineer (Personnel)
No.144, Anna Salai,
Chennai - 2.
3. The Superintending Engineer,
Udumalaipet Electricity Distribution Circle,
TANGEDCO, Tirupur Road,
Udumalipet,
Tirupur - 642 126.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct 2nd and 3rd respondents to consider and pass orders on the respective representation of the petitioners dated 11.06.2018, 13.06.2018, 09.06.2018, 12.06.2018, 15.06.2018, 15.06.2018, 11.06.2018, 14.06.2018, 14.06.2018, 14.06.2018, 13.06.2018, 12.06.2018, 15.06.2018, 11.06.2018, 22.06.2018 and 13.06.2018, with regard to regularization and absorption of the petitioners into Board Service as per B.P.(Chairman) No.9, dated 09.01.2008.

For Petitioner : M/s.S.N.Ravichandran

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

ORDER

The petitioners are working as contract labourers under the 3rd respondent Board from the year 1997 onwards, but, they have not been made permanent and they have not been given ex-gratia payment from 1997 to 2008. The Board, after entering into a settlement with the trade unions under Section 12(3) of the Industrial Disputes Act, issued a proceedings in B.P.(FB) No.44 dated 06.09.2017, laying down criteria for absorption of those contract labourers, as persons who were identified as on 08.08.1998 and received the ex-gratia payment, are entitled for absorption. According to the petitioners, based on the said proceedings, nearly 21600 contract labourers were made permanent in a phased manner, but, the petitioners were denied absorption. Hence, the petitioners made several representations before the 3rd respondent, on the ground that the petitioners will not come under the purview of B.P(FB) No.44 dated 06.09.2017. Thereafter, the Board issued B.P(Chairman) No.9 dated 09.01.2008, constituting a committee to identify the left out contract labourers for permanent absorption. Hence, the petitioners made representations to the respondents, requesting for regularization and absorption of their services, as per B.P (Chairman) No.9, dated 09.01.2008. As there was no action on the said representations, the petitioners are before this Court.

2. The petitioners claimed that this Court, in the case of R.Lakshmi vs. the Chief Engineer (Personnel) TNEB, reported in 2012 (3) LLN 681, held that the contract labourer is deemed to have been made permanent on completion of 480 days in 24 calendar months. As per the said decision of this Court, they were entitled to the benefit for absorption as they fulfilled the said criteria.

3. The petitioners also submitted that in an identical case, this Court, by an order dated 24.04.2018, directed the Board to consider the claim of the Contract Labourers in the light of the Board Proceedings issued in B.P.No.9, dated 09.01.2008

4. The learned counsel appearing for the petitioner submitted that it would suffice, if the representations of the petitioners are directed to be considered by the respondents, in the light of proceedings issued in B.P(Chairman) No.(*)44 dated (*)06.09.2017

5. In view of the limited prayer sought for, this Court, without going into the merits of the case, directs the respondents to consider the representations of the petitioners in the light of the proceedings in B.P(Chairman) No.9 dated 09.01.2018 and to pass orders thereon, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)
(24.01.2019)

**(*)Corrected as per order dated
12.04.2019 made in WMP No.9924 of 2019
in W.P.No.28600 of 2018**

Sd/-

Assistant Registrar(CS VIII)
(Dated : 24.04.2019)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Generation and Electricity
Distribution Circle (TANGEDCO)
No.144, Anna Salai, Chennai - 2.
2. The Chief Engineer (Personnel)
No.144, Anna Salai,
Chennai - 2.
3. The Superintending Engineer,
Udumalaipet Electricity Distribution Circle,
TANGEDCO, Tirupur Road,
Udumalipet, Tirupur - 642 126.

**(*) To be substituted
the order copy to be
issued already
despatched on 07.03.19**

+1 cc to M/s.S.N.Ravichandran, Advocate, Sr.No. 75542
+1 cc to M/s.T.S.Gopalan & Co, Advocate, Sr.No. 35831

W.P.No.28600 of 2018

CP(CO)
CSL/29.01.2019
CSL/29.04.2019