

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.29162 of 2018

L.Munusamy
Petitioner

Vs

- 1.The Chief Engineer (Personal)
Tamil Nadu Electricity Board (TANGEDCO/O&M)
Administrative Branch, Chennai-2
 - 2.The Executive Engineer (O&M)
TNEB CEDC (South), Chennai-16
 - 3.The Assistant Executive Engineer
(O&M), Kundrathur, CEDC (South, Chennai-69
 - 4.The Assistant Engineer, (O&M) (Porur-Rural)
CEDC (South), TANGEDCO, Porur 600016
 - 5.The Assistant Engineer, O&M, (Kundrathur-Rural)
CEDC (South), Chennai-69
- Respondents

Prayer:-

This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 1st Respondent to consider and pass orders, on the representation of the Petitioner, dated 02.10.2018 for regularization of the Petitioner's service rendered in the Tamil Nadu Electricity Board as considered co-contract labour.

For Petitioner :Mr.D.Veerasekaran

For Respondents :Mr.Anand Gopalan, Standing Counsel

ORDER

The prayer in this Writ Petition is to direct the 1st Respondent to direct the 1st Respondent to consider and pass

orders, on the representation of the Petitioner, dated 02.10.2018 for regularization of the Petitioner's service rendered in the Tamil Nadu Electricity Board as considered co-contract labour.

2. By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr. Anand Gopalan, learned Standing Counsel takes notice for the Respondents.

3. This court heard the learned counsel on either side and also perused the materials placed on record.

4. According to the learned counsel for the Petitioner, the Petitioner was appointed under a scheme for filling up 18,006 posts, which provided for absorption of 4500 existing workers and 4500 ITI holders in three phases and consequently, the Respondent Board had observed workers either by the court directions or by settlement with the Trade Union. Similarly placed co-contract labours had filed a batch of Writ Petitions in WP.No.18402 of 2014, etc. and the Respondent Board has complied with the orders passed in the said Writ Petitions. The Petitioner has been working till date as a contract labour at Kundrathur Rural Section. The Petitioner had sent several representations to the 1st Respondent to regularize him on the similar lines of regularization of co-contract labours and one of such last representation is dated 02.10.2018. However, no orders have been passed on the representations of the Petitioner. Hence, this Writ Petition has been filed, seeking the relief as stated above.

5. On the other hand, the learned standing counsel for the Respondent Board would submit that the proper and Competent Authority to consider the case of the Petitioner is the Superintending Engineer concerned and if any fresh representation is made to the said authority by the Petitioner, within a specified time, the same will be considered and disposed of, on merits and in accordance with law, within a specified time to be specified by this Court.

6. Considering the submissions of the learned counsel on either side and facts and circumstances of the case and the limited scope of the prayer sought for in this Writ Petition, without going into the merits of the case, the Petitioner is permitted to make a fresh representation along with all the relevant documents to the concerned Superintending Engineer, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the same shall be disposed of by the said authority, on merits and in accordance with law, within a period of eight weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Srcm

To

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CEDC (South), Chennai-69

+lcc to Mr.D.Veerasekaran, Advocate, S.R.No.84902
+lcc to Mr.T.S.Gopalan & Co, Advocate, S.R.No.85197

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RSK(CO)
CS/20/12/2018

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