



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD)No.1317 of 2014

P.Ponraj

... Appellant

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO) - TNEB, N.P.K.R.R.Maaligai,
800, Anna Salai, Chennai - 600 002.

2.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
K.Pudur, Madurai - 625 007.

... Respondents

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent, against the order passed by this Court, dated 07.08.2014 in W.P.(MD) No.14637 of 2012.

Prayer in WP(MD). 14637/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in கா.எண்.55/ மே.பொ/மமிபவ/மது/உ.நி.அ/நி.மே/நிபி.2/உ.1/2012 dated 05.10.2012 and to quash the same and direct the 2nd respondent to absorb him and appoint the petitioner as Mazdoor under the Board Proceeding No.9 dated 09.01.2008 within the period stipulated by this Honourable Court.

For Appellant

: Mr.A.Haja Mohideen

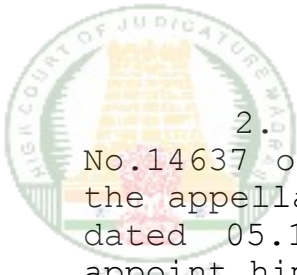
For Respondents

: Ms.Malini for Mr.T.S.Gopalan
Senior Counsel

J U D G M E N T

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

Heard Mr.A.Haja Mohideen, learned counsel for the appellant
and Ms.Malini, learned counsel for the respondents Board.



2. This appeal is directed against the order in W.P.(MD) No.14637 of 2012, dated 07.08.2014. The writ petition was filed by the appellant, challenging the proceedings of the second respondent, dated 05.10.2012 and for a consequential relief to absorb and appoint him as a Mazdoor in the Board.

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3. As on today, the petitioner would have attained the age of superannuation had it been appointed. Therefore, the issue raised in this Writ Appeal has become academic, which would be sufficient to dismiss the Writ Appeal. Be that as it may, we have also tested the correctness of the order which has been impugned in the writ petition. On facts, it has been stated that the appellant has not turned up for contract work after 2002 - 2003 and this factual matrix cannot be gone into and this fact is being disputed by the appellant. Therefore, in our view, the Writ Court rightly held that this disputed question of fact cannot be agitated in a writ petition.

4. Thus, for the above reasons, the appellant has not made out any ground for interference with the order passed by the Writ Court. Accordingly, the Writ Appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True copy/

Sub Assistant Registrar

To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO) - TNEB, N.P.K.R.R.Maaligai,
800, Anna Salai, Chennai - 600 002.

2.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
K.Pudur, Madurai - 625 007.

+1CC TO M/S.A.HAJAMOHIDEEN, ADVOCATE, SR NO.49597

+1CC TO M/S.T.S.GOPALAN & CO, ADVOCATE, SR NO.49699

W.A. (MD) No.1317 of 2014

16.02.2018

is/akv

MS/SKN-RSK/SAR-3/12.03.2018/2P.5C