

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.10966 of 2013

- 1.N.Easwaran
- 2.A.Arumugam
- 3.B.Vijayakumar
- 4.R.Ramesh
- 5.A.Palanisamy

Petitioners

Vs

- 1.Tamil Nadu Generation and Distribution Corporation
represented by its Chief Engineer (Personnel)
Chennai-2
- 2.The Superintending Engineer, Erode Hydro Generation
Circle, Tamil Nadu Generation and Distribution
Corporation, Ooratchilottai, Bhavani
Erode District

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the Respondents to regularise the services of the Petitioners in the post of Field Assistant with effect from 1.5.1999 based on Per.BP.(FB)No.22 (Secretariat Branch), dated 14.05.1999 and consequently, to revise their seniority and grant all promotions and other consequential service benefits.

For Petitioner : Mr.Prem Narayan

For Respondents : Mr.Anand Gopalan

ORDER

- 1.The prayer in this Writ Petition is to issue a Writ of Mandamus to direct the Respondents to regularise the services of the Petitioners in the post of Field Assistant with effect from 1.5.1999, based on Per.BP.(FB) No.22 (Secretariat Branch), dated 14.05.1999 and consequently, to revise their seniority and grant all promotions and other consequential service benefits.
- 2.This court heard the learned counsel on either side and considered their respective submissions and also perused

the materials placed on record.

3. According to the learned counsel for the Petitioners, the Petitioners were appointed as contract labourers during the year 1992 in the Civil Division of Mettur Dam power House and in the year 1999, the Government had announced that 849 contract labourers will be absorbed in the Respondent Board and the Respondent Board had issued Per.BP(FB)No.22 (Secretariat Branch), dated 14.5.1999 for absorption of contract labourers. Based on the said proceedings, the Petitioners were absorbed on permanent basis in 2005. However, in violation of the seniority rule, some juniors were absorbed. Hence, this Writ Petition has been filed.
4. The Respondents has objected to grant the relief claimed by the Petitioners, by filing a counter, contending that the actual requirement was only 500 in respect of the hydro stations and that the Respondent Board had considered and finalised the list, in compliance with Per.BP(FB)No.22 (Secretariat Branch), dated 14.5.1999 and orders were issued in Per.BP(FB)No.3, dated 29.01.2001, for absorption of 126 contract labourers in the I Phase and that since the Petitioners herein have not satisfied the conditions as contemplated in Per.BP(FB)No.22 (Secretariat Branch), dated 14.5.1999, they were not included, however, as per Per.BP(FB)No.14 (Administrative Branch), dated 5.8.2005, the Petitioners were absorbed as per the revised seniority list and hence, the relief as prayed for in this Writ Petition cannot be granted.
5. Admittedly, the Petitioners have not challenged the orders issued in Per.BP(FB)No.3, dated 29.01.2001, by filing appropriate application nor any representation was sent by the Petitioners to the Respondent Board. Therefore, as rightly pointed out by the learned standing counsel for the Respondent Board, the Petitioners, without making any representation to the Respondent Board, seeking to absorb them on permanent basis with effect from 14.5.1999, have straight away approached this Court by filing this Writ Petition. Therefore, this Court cannot entertain this Writ Petition and accordingly, the same is liable to be dismissed.
6. In the result, this Writ Petition is dismissed. No costs. However, it is open to the Petitioner to approach appropriate authority, if they are aggrieved and if it is permissible under law.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Srcm

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.Tamil Nadu Generation and Distribution Corporation,
represented by its Chief Engineer (Personnel), Chennai-2

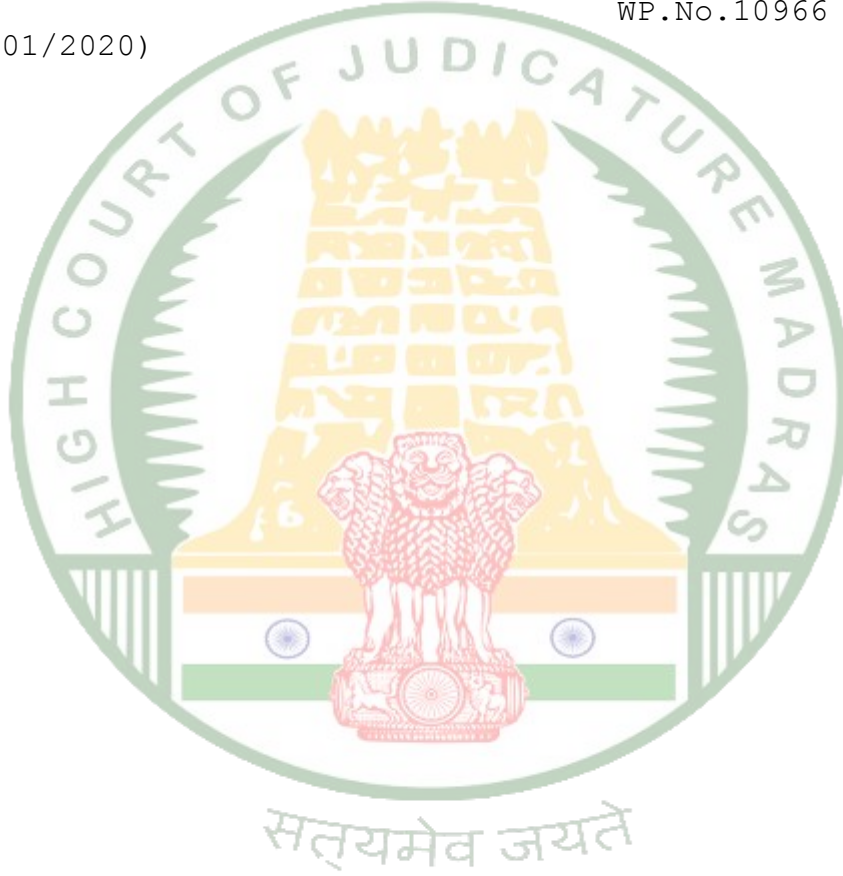
2.The Superintending Engineer, Erode Hydro Generation
Circle, Tamil Nadu Generation and Distribution
Corporation, Ooratchilottai, Bhavani, Erode

+1cc to Mr.T.S.Gopalan , Advocate SR.No. 105241

+1cc to Mr.R.Prem Narayan , Advocate SR.No. 1052021

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A.SK(31/01/2020)



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