

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14637 of 2009

C.Velu

... Petitioner

Vs

- 1.The Chairman,
Tamil Nadu Electricity Board,
Chennai - 600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Chennai - 600 002.
- 3.The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri - 5. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the order in Letter No.116217/311/ G.57/G.572/2007-3 dated 16.04.2008, quash the same and to issue consequential directions to the respondents to regularly appoint the petitioner as helper/electrician or Switch Board Assistant with retrospective effect from the date of appointment of his immediate junior in the Apprenticeship Training with all consequential service and monetary benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.R.Dhilip Kumar

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the second respondent relating to the order in Letter No.116217/311/G.57/ G.572/2007-3 dated 16.04.2008 and to issue consequential directions to the respondents to regularly appoint

the petitioner as Helper/ Electrician or Switch Board Assistant with retrospective effect from the date of appointment of his immediate junior in the Apprenticeship Training with all consequential service and monetary benefits.

2.The learned counsel for the petitioner would submit that petitioner belongs to Most Backward Class and he has passed Higher Secondary Course Examination in March 1995 and thereafter joined Lakshmi Narayana Industrial Training Institute, Dharmapuri and underwent Training Course from August 1995 to July 1997 in the Trade of Electrician held in July 1997 and he was also awarded with Provisional National Trade Certificate and he registered his name in the Employment Exchange, Krishnagiri and the Registration Number is 5699/93. From the Employment Exchange, the name of the petitioner was sponsored to the Superintending Engineer, Dharmapuri Distribution Circle, Dharmapuri for Apprenticeship Training and the Superintending Engineer, Dharmapuri Electricity Distribution Circle, Dharmapuri, vide his Memo No.30451/573/Adm.2/JA.1/F.App/2004 dated 03.01.2004 appointed the petitioner for Switch Board Attendant Apprenticeship Training for three years under the Assistant Engineer, 110 kV Sub Station, Tamil Nadu Electricity Board, Athiyamankottai. The petitioner also joined the Apprenticeship Training on 21.01.2004 and completed the Training on 20.01.2007 successfully. It is also stated by the petitioner that having completed the training successfully, he is entitled to be absorbed as Helper in the post of Switch Board Assistant in the Tamil Nadu Electricity Board, as there is provision in the Regulations of the Tamil Nadu Electricity Board that in the case of persons who have passed the prescribed Trade Test in the respective Trade conducted by the Government, Apprenticeship Training for one year alone is sufficient. The petitioner also states that since he has passed the ITI Trade Test conducted by the Government of Tamil Nadu, the period of one year from 21.01.2004 to 20.01.2005 spent by the petitioner in undergoing Apprenticeship Training in the Tamil Nadu Electricity Board, has to be treated as prescribed Apprenticeship Training for the post of Electrician and the remaining period from 21.01.2005 to 20.01.2007 has to be set off as duty in the post of Helper / Electrician. It is also stated that the petitioner has served for 480 days during that period and hence he is entitled to have his services regularised. But, instead of regularising his services, he was relieved from the training on 20.01.2007 and no appointment order was issued by the Tamil Nadu Electricity Board. Therefore, the learned counsel for the petitioner prayed that the impugned order relieving the petitioner, is liable to be set aside.

3.This Court has also heard the learned Standing Counsel appearing for the respondent Tamil Nadu Electricity Board and perused the materials available on record.

4.No doubt, the petitioner was appointed for Switch Board Attendant Apprenticeship Training for three years under the Assistant Engineer, 110 kV Sub Station, Tamil Nadu Electricity Board, Athiyamankottai, by the Superintending Engineer, Dharmapuri Electricity Distribution Circle, Dharmapuri, vide his Memo No.30451/ 573/Adm.2/JA.1/F.App/2004 dated 03.01.2004. The petitioner also joined the Apprenticeship Training on 21.01.2004 and completed the Training on 20.01.2007 successfully, whereas the Hon'ble Supreme Court in the Special Leave Petition filed by the Tamil Nadu Electricity Board against the order passed by a Division Bench of this Court, has issued guidelines in its order dated 03.10.1996, to be kept in view by the employer while considering the apprenticeship training for employment, as under:

"(i)Other things being equal, a trained apprentice should be given preference over Direct Recruits.

(ii)For this a trainee would not be required to get his name sponsored by any Employment Exchange. The decision of this Court in Union of India vs. N.Hargopal would permit this.

(iii)If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service rule concerned. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(iv)The training institute concerned would maintain a list of the persons trained yearwise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior."

5.Since the trained Apprentices should be given preference over direct recruits, the petitioner has to take part in the selection process along with the direct recruits as and when called for by the Tamil Nadu Electricity Board. In the event of his participation, he would be given preference over the direct recruits. For participation also, his name should be sponsored by the Employment Exchange.

6.In the present case, the Tamil Nadu Electricity Board, till date has not called for any applications from the requisite candidates for appointment as Helper or Electrician or Switch Board Assistant in the Tamil Nadu Electricity Board. Therefore, this Court is unable to find any merit in this writ petition and accordingly the writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KM

To

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Chennai - 600 002.
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Chennai - 600 002.
- 3.The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri - 5.

+1cc to Mr.P.R.DhilipKumar, Advocate Sr.20743
+1cc to MrM.Ravi, Advocate Sr.20700

W.P.No.14637 of 2009

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srg 04/04/2019

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