

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5217 of 2018

G.Pethaperumal

...Petitioner

Vs

1. The Chairman,
The TamilNadu Electricity Generation and Distribution
Corporation Ltd., (TANGEDCO),
Rep. by its Chairman,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai, Chennai - 600 002.
3. The Superintendent Engineer,
TANGEDCO,
Thanjavur Electricity Distribution Circle,
No.1, Vallam Salai, Thanjavur District,
Thanjavur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the 2nd respondent to pass orders on the proposal forwarded by the 3rd respondent in K.No.4629/6770/N1P1.3/Ni.Pu.1/o.HO/2016 dated 23.06.2016 and consequently, directing the respondents to absorb the petitioner into service in the Tamil Nadu Electricity Generation and Distribution Corporation Ltd, (TANGEDCO) on permanent basis on par with other similarly placed persons, with all consequential and other attendant benefits.

For Petitioner

:M/s.G.Sankaran

For Respondents 1 - 3

: Mr.G.Anand for
M/s. T.S.Gopalan & Co.

O R D E R

The relief sought for in the present writ petition is to direct 2nd respondent to pass orders on the proposal forwarded by the 3rd respondent in K.No.4629/6770/N1P1.3/Ni.Pu.1/o.HO/2016 dated 23.06.2016 and consequently, directing the respondents to absorb the petitioner into service in the Tamil Nadu Electricity Generation and Distribution Corporation Ltd, (TANGEDCO) on permanent basis on par with other similarly placed persons, with all consequential and other attendant benefits.

2. The learned counsel for the writ petitioner states that the writ petitioner participated in the Committee proceedings in the year 2007, pursuant to the recommendations of Justice.Khalid Committee and therefore, he is entitled to be regularized based on the facts and circumstances. The reasons stated for non-consideration is that he has not secured bonus for the year 1998 - 1999. This cannot be a reason for the rejection of the writ petitioner in view of the fact that the writ petitioner had participated in the Committee proceedings. The writ petitioner had suffered a head injury and considered all the factual circumstances, the case of the writ petitioner is to be considered for permanent absorption.

3. The 3rd respondent also submitted a proposal in this regard. All these factual aspects are to be considered by the Competent Authorities, while undertaking the process of considering the case. However, in respect of regularizations and permanent absorption of these contract employees, this Court passed an order on 24.04.2018 based on the order passed by the Hon'ble Division Bench of this Court. Thus, the said directions issued is to be followed in the present case also. The relevant paragraphs of the said order is extracted hereunder:-

"2.The learned counsel appearing on behalf of the workmen made a submission that the board after 12 (3)settlement dated 10.08.2007 issued orders in B.P. (Chairman)No.9, Administrative Branch, date 09.01.2008, granting permanent absorption for contract labourers, who all are not covered by 12(3) Settlement. Certain conditions are stipulated in the Board proceedings dated 09.01.2008 for granting permanent absorption.

3.The learned counsel appearing on behalf of the writ petitioner/ management made a submission that the petitioners are not having any objection for considering the case of the workmen in the light of the terms and conditions as stipulated in B.P. No.9,

dated 09.01.2008. In view of the said submissions, the learned counsel appearing for the workmen also agreed and filed their memo stating that the case of the workmen may be considered by the writ petitioners management in terms of the B.P.No.9 dated 09.01.2008.

4. In this view of the matter, the workmen are permitted to submit fresh representations to the writ petitioners management, within a period of three (3) weeks from the date of receipt of a copy of this order, along with all necessary documents establishing their engagement as contract labourer. In the event of receiving any such representation from the workmen, the writ petitioner management is directed to consider the same, in the light of the Board proceedings issued dated 09.01.2008 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. In view of the submissions made by the learned counsel appearing on behalf of the workmen, the order passed by the Inspector of Labour granting permanent status cannot be insisted upon and in the event of considering the case of the workmen in the light of the B.P.No.9 dated 09.01.2008, the orders passed by the Inspector of Labour need not be given effect to.

6. Accordingly, these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. However, there is no order as to costs. "

4. In view of the orders passed cited supra, the case of the writ petitioner also is to be considered on the same line for the purpose of extending the benefit of regularization and permanent absorption.

5. Accordingly, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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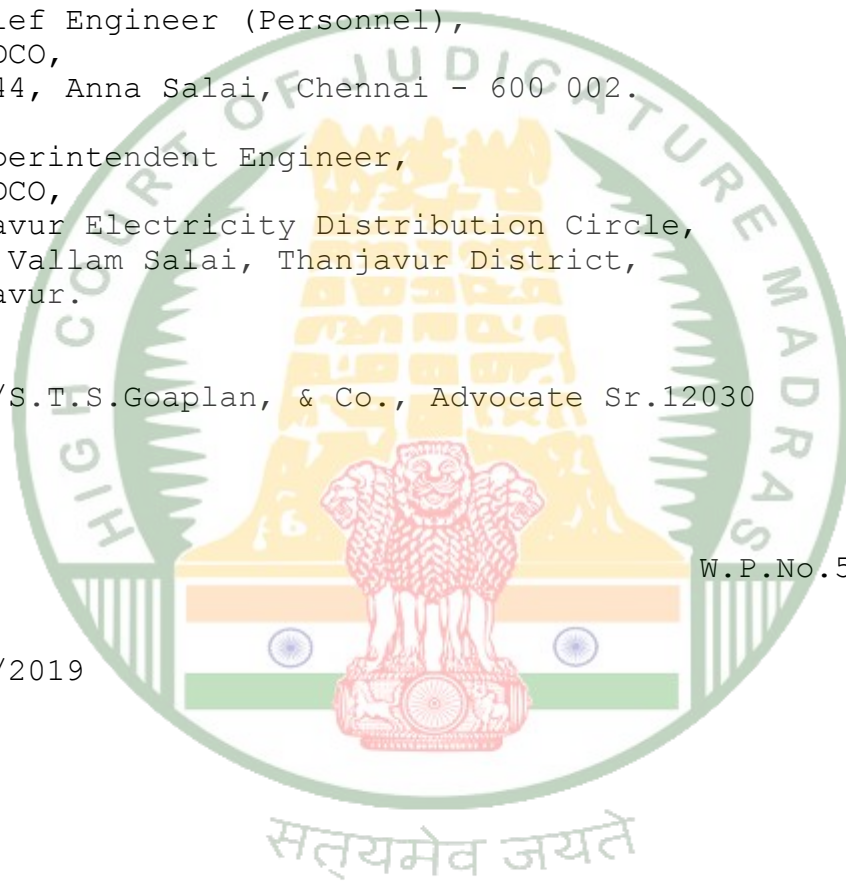
To

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Thanjavur.

+1cc to M/S.T.S.Goaplan, & Co., Advocate Sr.12030

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