

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.36964 of 2005

&

W.M.P.No.39608 of 2005

J.Rajendran

...Petitioner

..Vs..

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

2.The Chief Engineer,
Administration Branch,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Cuddalore District.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records bearing proceedings per B.P.(FB).No.37 dated 29.10.2005 on the file of the second respondent and quash the same in respect of the imposing of condition of receipt of ex-gratia payment for the year 2004-05 for the absorption of contract labours and consequently directing the respondents to include the name of the petitioner in the panel of absorption without insisting for the condition that the petitioner should have received the ex-gratia payment for the year 2004-05.

For Petitioner : Dr.C.Ravichandran

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

ORDER

The Board proceedings issued in B.P.(FB).No.37 dated 29.10.2005 is sought to be quashed in the present writ petition, a further direction is sought for in respect of imposing of receipt of ex-gratia payment for the year 2004-05 for the absorption of contract labours.

2.In respect of validity of the Board proceedings issued in B.P.(FB).No.37 dated 29.10.2005, the Division Bench of this Court had already disposed of a batch of writ appeals in Writ Appeal Nos.1302 of 2003 etc., Superintending Engineer Vs. Tamil Nadu Electricity Board & Others, reported in (2009) 4 MLJ 472. The relevant paragraph of the judgment is extracted hereunder;

"25.We therefore, direct that persons who ought to have been taken in employment against vacancies that were directed to be filled by the Supreme Court pursuant to Khalid Commission's report shall first be filled up before other vacancies are undertaken to be filled up. The writ petitions challenging the 18(1) settlement will stand dismissed, except to the extent mentioned in paras 23 and 24 above. Age relaxation, wherever necessary to accommodate them shall be given. Similarly, the writ petitions challenging the board proceedings 36 and 37 of the Administrative Branch dated 29.10.2005 will also stand dismissed. The claims of persons before the Labour Inspectors which have been allowed and who have come before this Court seeking for issue a mandamus for enforcement will now be considered under the 18(1) settlement. The writ petitions filed by the Electricity Board challenging the orders of the Labour Inspectors will now be dismissed as infructuous having regard to the 18(1) settlement. The appeals filed by the board against the decision of the learned single will also stand dismissed. The claims of the workmen in W.P.No.1033 of 2006 and the connected batch will not stand affected by the decision of this Court and the Labour Court will decide on their claims in I.D.No.106 of 2003 in the light of what we have observed, insofar as they are relevant and independently of the same on factual

issues whether they have been directly employed by the Electricity Board or not. The writ petitions and writ appeals are disposed of accordingly. No costs."

3.The Division Bench in the above judgment held that the writ petitions challenging the Board proceedings 36 and 37 of the Administrative Branch dated 29.10.2005 will also stand dismissed. Thus, the Board proceedings are validated by the Division Bench of this Court in the case cited supra.

4.Accordingly, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition. In the result, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrm

To

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

2.The Chief Engineer,
Administration Branch,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Cuddalore District.

+1cc to M/s.T.S.Gopalan & Co, Advocate sr.85186

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rk(co)
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