

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.Nos.24451 & 24452 of 2015
and
M.P.No.1 of 2015

M.Velumani .. Petitioner in W.P.No.24451 of 2015

C.Arjunan .. Petitioner in W.P.No.24452 of 2015

-vs-

- 1.The Chief Engineer (Personnel),
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd. (TANGEDCO),
No.144, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO, Salem. ... Respondents in both W.Ps.

Petitions under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent in Ka.No.Me.Po /Se.Mi.Pa.Va /Se /Ni.Pi.2 /Vu.4 /Ko.O.Tho.Nee.Va/ No: /2013, dated 10.06.2013 and to quash the same and consequently direct the respondents to absorb the petitioners into Board Service on permanent basis with consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran
(In both W.Ps.)

For Respondents : Mr.Anand Gopalan
(In both W.Ps.) For M/s.T.S.Gopalan & Co.

COMMON ORDER

The orders of rejection dated 10.06.2013, rejecting the claim of the writ petitioners for permanent absorption are under challenge in these present writ petitions.

2.The impugned orders state that the petitioners have not satisfied the conditions prescribed in B.P.(Chairman) No.9, Administrative Branch, dated 09.01.2008. The impugned orders further state that the conditions stipulated in the Board Proceedings are that the contract labourers, who were engaged by the private contractors with whom the Tamil Nadu Electricity Board entered into a settlement to execute the works on behalf of the Electricity Board, must have worked continuously for a minimum period of three months and further the Committee constituted pursuant to recommendation of Justice Khalid Commission must identify those contract labourers and those contract labourers ought to have received Exgratia bonus for the period 2005-06 and 2006-07.

3.Thus, in view of the fact that the writ petitioners have not satisfied the above requirements, their cases were not considered for permanent absorption as per the Board Proceedings and 12(3) Settlement.

4.The petitioners claim that they were employees along with other contract workers and therefore, they are entitled for permanent absorption on par with other contract labourers, who were absorbed on permanent basis. Now, the issues regarding the permanent absorption are governed under the 12(3) Settlement as well as the Board Proceedings issued in B.P.(Chairman) No.9, Administrative Branch, dated 09.01.2008.

5.The respondent Board verified the service details of the writ petitioners and arrived a conclusion that they have not satisfied the conditions stipulated in the Board Proceedings and accordingly, rejected the same. The writ petitioners have not established that they have fulfilled the above requirements contemplated in the Board Proceedings and in the absence of any valid document to establish that the writ petitioners are eligible to be considered for permanent absorption as per the terms and conditions of the Board Proceedings, the relief sought for as such cannot be granted. Further, such disputed question with reference to the service particulars as well as the documents cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India and the writ petitions are devoid of merits and stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

abr

To

1.The Chief Engineer (Personnel),
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd. (TANGEDCO),
No.144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO, Salem.

+1 CC to Mr.G.Sankaran, Advocate sr 89754.

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PM(CO)
SP(29/11/2019)



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