

IN THE HIGH COURT OF JUDICATURE AT MADRAS

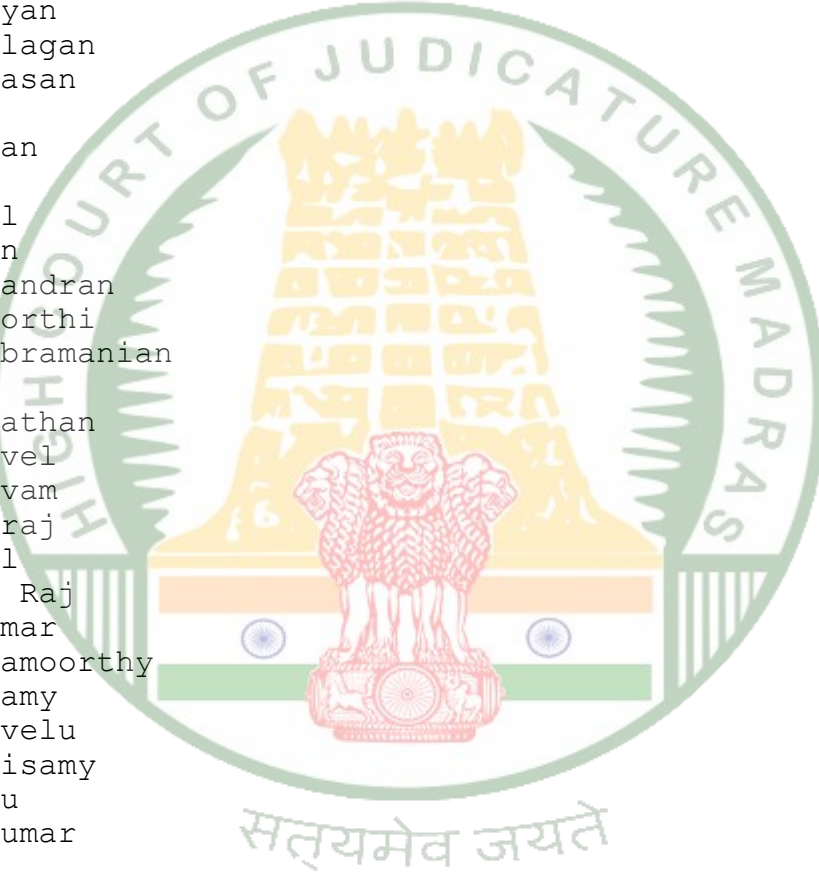
DATED: 09.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4866 of 2011

- 1.D.R.Murugesan
- 2.N.Senthil
- 3.K.Veerapandian
- 4.V.Murugaiyan
- 5.N.Mathiyalagan
- 6.D.Kannathasan
- 7.B.Gopi
- 8.A.Kubendran
- 9.D.Ramesh
- 10.S.Senthil
- 11.P.Murugan
- 12.S.Ravichandran
- 13.M.Ramamoorthi
- 14.A.Balasubramanian
- 15.Rajappa
- 16.K.Boominathan
- 17.M.Chitravel
- 18.T.Sadasivam
- 19.S.Arokiaaraj
- 20.N.Manivel
- 21.D.Suresh Raj
- 22.M.Sivakumar
- 23.S.Sundaramoorthy
- 24.A.Rengasamy
- 25.S.Palanivelu
- 26.J.Anthonisamy
- 27.Kalimuthu
- 28.K.Sasi Kumar
- 29.K.Ravi
- 30.X.Vijaya Anand
- 31.K.Johnson
- 32.J.Anthoniraj
- 33.S.Arokiasamy
- 34.M.Saravanan
- 35.A.Abdul Ameer
- 36.R.Sudhakar
- 37.R.Sankar
- 38.T.Murugesan
- 39.M.Gopi
- 40.P.Saravanan
- 41.M.Durai Arasan



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42.M.Veeraiyan
43.M.Ramalingam
44.S.Kalidasan
45.A.Illaiyaraja
46.D.Rajendran
47.C.Anandthan
48.P.Vasantha Kumar
49.S.Rajasekaran
50.S.Sugumar

...Petitioner

Vs.

1. The Chairman
Tamil Nadu Electricity Board
144, Anna Salai, Chennai-2.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board/
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
No.144, Anna Salai, Chennai-600 002.
3. Tamil Nadu Electricity Board
Rep.by its Secretary
800, Anna Salai, Chennai-600 002.
- 4.S.Selvendiran
5. Tamil Nadu National Electricity,
Workers Federation, Rep.by its
General Secretary, R.Swarnaraj
6. M.Baskaran
7. M.Ramesh Kumar
8. P.Karikalan
- 9.J.Kannan
- 10.S.Jayachandran
- 11.S.Antony David Raja
- 12.K.Somasundaram
- 13.K.Vasudevan
- 14.P.Rajkumar
- 15.K.Santhanasamy
(RR5 to 15 impleaded as per order
dated 28.04.2011 in WMP.Nos.6 & 5/2011
in WP.No.4866 of 2011)

- 16.Tamil Nadu Electricity Board
Workers Progressive Union
Rep.by its General Secretary
S.Rathinasabapathy, Reg.No.38.CPT
No.144, Anna Salai, Chennai-600 002. ... Respondents
(R16 impleaded as per order dated 09.08.2011
by KNBJ in MP.No.9 of 2011 in WP.No.4866 of 2011)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings (PER.) F.B.TANGEDCO PROCEEDINGS No.3 dated 19.02.2011 of 2nd respondent and quash the same and consequently, direct the 1st and 2nd respondents to absorb the Contract Labourers who has been engaged by the Tamil Nadu Electricity Board.

For Petitioner : Mr.V.Stalin
For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
for RR1 to 3.
Mr.S.Packiaraj for R4.
Mr.M.Sudhakar for R5.
Mr.G.Sankaran for RR6 to 15.
Mr.Balan Haridas for R16.

ORDER

The Board proceedings No.3, Administrative Branch dated 19.02.2011 is under challenge in the present writ petition.

2. The Board proceeding was issued in respect of R.W.E. Contract Labourers, working in Kumbakonam, Thirumayam and Vandavasi Rural Electric Co-operative Societies and more specifically for absorption as Temporary Casual Labourers on daily wages. The Board proceedings impugned in the present writ petition reads hereunder:

"4). Similar to the (Per.) B.P.(FB).No.44, (Adm.Branch), dated 06.09.2007 issued based on the 12(3) settlement dated 10.08.2007, after careful examination the board has approved for absorption of 188 contract labourers who have worked in the 3 Rural Electric Co-operative Societies viz. Kumbakonam, Vandavasi and Thirumayam as Temporary Casual Labourers for a period of one year and to appoint them as Mazdoor, Assessor Grade-II and Help-cum-Meter Reader based on their educational qualification, as ordered in (Per.) B.P.(FB).No.44, (Adm. Branch), dt 06.09.2007. "

3. The respective learned counsel appearing on behalf of the casual labourers as well as the learned counsel appearing on behalf of the Electricity Board brought to the notice of this Court that all the 188 contract labourers were absorbed on permanent basis and they are serving for past many years. However, the claim of the writ petitioner is that the absorption were not done by following the seniority and by following the board proceedings.

4. The writ petitioner cannot challenge the board proceedings dated 19.02.2011, in view of the fact that they were initially the beneficiaries of the board proceedings and during the implementation of the board proceedings, their claim for permanent absorption was not considered, on account of certain reasons. Thus, challenge made with reference to the board proceedings No.3 dated 19.02.2011, requires no further adjudication. However, if at all any violation of the board proceedings or violation of the other terms and conditions are established by the writ petitioner, they are at liberty to challenge all subsequent proceedings and actions of the Tamil Nadu Electricity Board before the appropriate forum and by following the procedure contemplated.

5. With this liberty, the petition deserves no further adjudication. Accordingly, the board proceedings dated 19.02.2011 which is under challenge deserves no further interference. Consequently, the writ petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Electricity Board
144, Anna Salai, Chennai-2.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board/
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
No.144, Anna Salai, Chennai-600 002.
3. The Secretary,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.

+1 cc to M/s.Balan,Advocate Sr.No. 77683

AKM/04.10.19/2P-5C /
AKM/30.10.19

W.P.No.4866 of 2011