

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.27254 to 27260 of 2013

D.Venkatesan .. Petitioner in W.P.No.27254 of 2013
J.Arokkianathan .. Petitioner in W.P.No.27255 of 2013
L.Balasubramaniam .. Petitioner in W.P.No.27256 of 2013
@ L.Subramaniam
N.Sivakumar .. Petitioner in W.P.No.27257 of 2013
K.Ravi .. Petitioner in W.P.No.27258 of 2013
M.Lakshmanan .. Petitioner in W.P.No.27259 of 2013
J.Manigandan .. Petitioner in W.P.No.27260 of 2013

-vs-

1. The Chairman,
TANGEDCO,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-600 002.

2. The Superintending Engineer,
Office of the Superintending Engineer,
Ooty.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd respondent in Lr.No.01255/434/Admn.II/A(1)/F.Contract Labour/2013-1 dated 30.03.2013 and quash the same and consequently direct the respondents to regularise the service of the petitioner with all consequential and attendant benefits.

For Petitioner : Mr.S.S.Swaminathan
(In all W.Ps.)

For Respondents : Mr.Anand Gopalan
(In all W.Ps.) For Mr.T.S.Gopalan & Co.

COMMON ORDER

The orders of rejection dated 30.03.2013, 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 completed five years of continuous service as on 31.03.1997, 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 from 1997-1998 to 2005-2006.

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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

abr

To

1. The Chairman,
TANGEDCO,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Office of the Superintending Engineer, Ooty.

+7cc to Mr.S.S.Swaminathan, Advocate, S.R.No.89440 TO 89446

W.P.Nos.27254 to 27260 of 2013

CA(CO)
CS/03/12/2019

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