

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.11.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4785 of 2015

S.Nirmalraj

.. PETITIONER

Vs

- 1.The Chief Engineer(Personnel)  
Tamil Nadu Generation & Distribution  
Corporation Ltd., (TANGEDCO)  
144, Anna Salai  
Chennai-600 002
- 2.The Superintending Engineer  
Tamil Nadu Generation & Distribution  
Corporation Ltd., (TANGEDCO)  
Chennai Electricity Distribution Circle/South  
Chennai-600 078
- 3.The Assistant Executive Engineer (O&M)  
Tamil Nadu Generation & Distribution  
Corporation Ltd., (TANGEDCO)  
Saligramam, Chennai-600 093
- 4.The Assistant Engineer (O&M)/CEDC/South  
Tamil Nadu Generation & Distribution  
Corporation Ltd., (TANGEDCO)  
Saligramam, Chennai-600 093

.. RESPONDENTS

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus to direct the first respondent to pass orders on the petitioner's representation dated 20.04.2013 within a reasonable time.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.Haroon A.L.Rasheed  
for M/s.T.S.Gopalan & Co  
TNEB for R1 to R4.

O R D E R

The writ petitioner was working as Contract Labourer in the Kodambakkam Sub Division, Chennai South Scheme, Electricity Board. He had been working in the Board in Saligramam division continuously from 04.04.1987 and before that also worked in Kodambakkam, Choolaimedu and Rangarajapuram.

2. The respondent Board, in order to make the contract labourers permanent, they need to comply with certain terms and conditions and accordingly, a report was prepared on 27.2.1999. At that time, the Assistant Engineer, instead of stating that the petitioner have been working from 04.04.1997, wrongly mentioned that he has been working from 04.04.1987. Therefore, the writ petitioner was not able to get the bonus even though he was fully eligible to be paid with bonus.

3. It is the averment of the petitioner that due to the above said mistake crept in records, he has not received exgratia from the respondent board. Further, the criterion followed was that if the contract labourers completed five years of service as on 31.03.2002, they would be appointed as mazdoor, TCL, CL etc. At that time, it was informed that for those persons who have not completed five years of service and for those persons whose certificates were not verified, would be identified later and they too would be conferred with the very same benefits. Since there was a mistake in the records relating to the petitioner's service date, even though he completed five years of service within the said cut-off date, the benefits which were given to 21,600 employees were not given to the petitioner.

4. It is submitted by the learned counsel for the petitioner that till today, the writ petitioner was not made permanent even though he is working since 1997. Even though a detailed representation has been submitted by the petitioner on 20.04.2013 and the reminder dated 17.07.2014 and the same has been forwarded to the 1<sup>st</sup> respondent, till date, no orders have been passed.

5. The learned counsel for the respondents would submit that writ petition is not maintainable on the simple ground that the petitioner has to approach the appropriate authority. It is further represented that the petitioner's representation will be duly considered in accordance with law and in the light of the earlier order passed by this court in Writ Petition No.29541 of 2018 dated 31.01.2019, wherein, this court has directed the respondent board to consider the representations of the Labourers in the light of Board Proceedings in B.P.No.9 dated 09.01.2008 and to pass orders on the representation on merits and in accordance with law, within a period of 12 weeks thereof.

6. Therefore, this court is inclined to pass same direction in the instant writ petition also by following the above stated order passed by this court in W.P.No.29541 of 2018 dated 31.01.2019, on the same lines.

7. Accordingly, the writ petition is disposed with the directions as stated infra:-

(i) writ petitioner's representation dated 20.04.2013 shall be placed before the first respondent Committee. The first respondent is directed to consider the said representation of the petitioner.

(ii) In the mean time, if the petitioner wants to submit any additional documents, the same can be furnished by the writ petitioner and the same shall also be forwarded to the appropriate committee as per the Board Proceedings in B.P.No.9 dated 09.01.2008. Thereafter, the 1<sup>st</sup> respondent Committee, is directed to pass appropriate orders as expeditiously as possible, within a period of two weeks thereafter. It is needless to state that if any additional particulars or fresh representation to be furnished by the petitioner, the same shall be furnished within one week from the date of receipt of a copy of this order along with a copy of this order.

No costs.

Sd/-  
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

nvsri

To

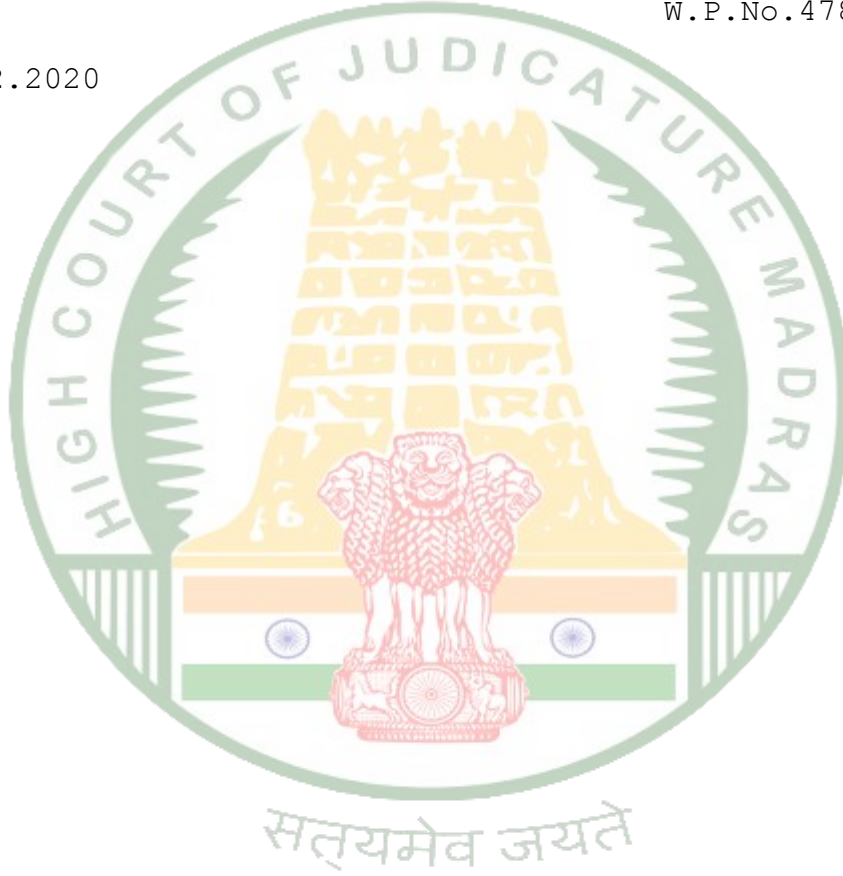
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+1cc to Mr.K.Rajasekaran, Advocate, SR.No.96398.  
+1cc to M/s.T.S.Gopalan, Advocate, SR.No.96261.

W.P.No.4785 of 2015

SVI (CO)  
CSR: 14.02.2020



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