

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.13800 of 2019

B. Mayilsamy

... Petitioner

vs

1.Tamil Nadu Generation and
Distribution Corporation Limited,
Rep. by its Chairman,
Annasalai,
Chennai -2.

2.The Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Coimbatore Electricity Distribution Circle North,
Tatabad,
Coimbatore - 641 012.

3.The Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Limited,
800, Annasalai,
Chennai - 2.

4.The Assistant Electrical Engineer, (Rural East),
Periyanaickenpalayam,
K. Vadamadurai Division,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to treat the petitioner as appointed regularly in the services of the respondent Corporation as on 19.09.1991 or 25.09.1991 when the employees appointed on contract basis along with the petitioner, are appointed in the regular time scale of pay in the services of the respondent Corporation for the purpose of pensionary benefits under the old pension scheme or to treat the petitioner as regular employee as found in the order in Na.Ka.No.1380, 1381, 1382, 1383, 1384,

1385, 1386, 1387 and 1389 of 2000, dated 09.04.2001 passed under Conferment of Permanent Status on Employees Act and consequently, direct the respondent Corporation not to deduct 10% of basis salary from the petitioner towards the new pension Scheme and to bring the petitioner under the old pension Scheme and grant benefits available under the old pension Scheme.

For Petitioner : Mr.R. Saseetharan

For Respondents : Mr.P.R. Dillip Kumar

ORDER

It is the case of the petitioner that on 19.09.1980, the petitioner was appointed as Contract Labour at Dayanur, South Mettupalayam Division, under the Authority of Tamil Nadu Electricity Board. On 08.09.2007, he was appointed as Mazdoor in regular time scale of pay in the services of Tamil Nadu Electricity Board on the ground that he was working from 19.09.1990 as Contract Labour. But, the petitioner was not granted consequential absorption in the post of Helper. The contract labours, who were appointed in the year 1980, were brought under the old pension Scheme on the ground that they were regularly appointed in the service of the Board in the year 1991. The name of the petitioner has been shown in the list at Sl.No.23 and his date of appointment is given as 9th month of 1980. Hence, he made a representation to the respondent Board for absorption from 1991 for the purpose of pensionary benefits and to bring him under the old pension Scheme, but till date no orders have been passed. Hence, this petition has been filed.

2.The learned counsel for the petitioner would submit that the petitioner has made a representation on 04.05.2018 to treat him on par with other employees who were appointed in the year 1980. No orders have been passed till date.

3.Mr.P.R. Dillip Kumar, learned Standing Counsel appearing for the respondents conceded to the limited request made by the learned counsel for the petitioner.

4.Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 1st respondent to consider the representation dated 04.05.2018 submitted by the petitioner and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of.
No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

mps

To

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
Annasalai,
Chennai -2.

2.The Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
Coimbatore Electricity Distribution Circle North,
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Coimbatore District.

+1 CC to Mr.R. Saseetharan, Advocate sr 79086

+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 79032.

W.P.No.13800 of 2019

PVS(CO)
SP(08/11/2019)

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