



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.4399 of 2015

and

M.P. (MD)No.1 of 2015

P.Karuppaiah

... Petitioner

-Vs-

- 1.The Chairman,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.
- 4.The Executive Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.
- 5.The Assistant Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
Dharapuram Road, Oottanchathiram,
Dindigul District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to absorb the petitioner as a permanent employee of the Tamil Nadu Generation of Electricity and Distribution Corporation (TANGEDCO) by considering the petitioner's representation dated 20.12.2014 and grant all the monetary benefits in favour of the writ petitioner.

**ORDER**

The relief sought for in the present Writ Petition is for a direction to direct the respondents to absorb the petitioner as a permanent employee in Tamil Nadu Generation of Electricity and Distribution Corporation (TANGEDCO) by considering the petitioner's representation dated 20.12.2014.

2.The learned counsel appearing on behalf of the writ petitioner states that he was engaged as a Contract Labourer at Vanaiyampatti (Operations & Maintenance) Section of the Tamil Nadu Generation of Electricity and Distribution Corporation under chit agreement and discharged his work as a Contract Labourer in the said concern till 2006. The learned counsel appearing for the writ petitioner states that the writ petitioner served more than 480 days as Contract Labourer. Thus, he is entitled to be regularised in the permanent post.

3.On a perusal of the Contractor Certificate issued, it is clear that the writ petitioner was engaged by a Contractor, appointed by the Tamil Nadu Electricity Board. At no point of time, the writ petitioner was appointed by the competent authority of the respondent Corporation. In view of the fact that the writ petitioner was not engaged by the Corporation nor appointed by the competent authority of the respondent Corporation, the benefit of permanent absorption cannot be granted. Appointments are to be made strictly in accordance with the recruitment rules in force. The writ petitioner has to secure the appointment in the Corporation only by participating in the process of selection, if any recruitment notification is issued.

4.This being the principles to be followed, the mere submission of representations to the respondents would not confer any right on the writ petitioner to seek appointment by filing a Writ Petition. Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr

1.The Chairman,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.



2.The Chief Engineer (Personnel),
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.

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3.The Superintending Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
144, Anna Salai, Chennai-600 002.

4.The Executive Engineer,
Tamil Nadu Generation of Electricity
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144, Anna Salai, Chennai-600 002.

5.The Assistant Engineer,
Tamil Nadu Generation of Electricity
and Distribution Corporation,
Dharapuram Road, Oottanchathiram,
Dindigul District.

+1CC TO M/S.C.K.M.APPAJI,ADVOCATE, SR.NO.70773

W.P(MD)No.4399 of 2015

BUC(05.07.2019) 3P 7C