



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.15565 of 2014

Abdulwahab

... Petitioner

-Vs-

1.The Superintending Engineer,
Tuticorin Thermal Power Station,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO), Tuticorin-4,
Tuticorin District.

2.The Superintending Engineer,
(Distribution), Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO), Tuticorin-1,
Tuticorin District.

3.The Chairman,
Tamil Nadu Generation and Distribution Corporation
Limited, (TANGEDCO),
144, Anna Salai, Chennai-600 002. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd respondent in his letter No.122678/523 /Adm.11/A4/2014, dated 27.8.2014 and to quash the same and directing the respondents to sanction the pensionary benefits to the petitioner from the date of retirement taking into account his entire period of service with the respondent including the period of service through contractors.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.Dhayalan
Standing Counsel



ORDER

The relief sought for in the present writ petition is to quash the order of rejection, dated 27.08.2014 with reference to the claim of the writ petitioner to count the services rendered as contractor labourer for the purpose of reckoning the qualifying service.

2.The writ petitioner was employed as contract worker from April 1988 to March 1998. The writ petitioner was engaged by a private contractor for the purpose of carrying out the works granted to such contractor by the Tamil Nadu Electricity Board. Thus, the writ petitioner was not appointed by the competent appointing authority of the Tamil Nadu Electricity Board and consequently, he is not entitled to claim the period of service rendered by him the private contractor for the purpose of reckoning the same as qualifying service. As far as the regular services of the writ petitioner that is counted the regular service of the writ petitioner under the Tamil Nadu Electricity Board, after permanent absorption, the benefits are settled.

3.This being the factum, the contract employment of the writ petitioner with the private contractor cannot be taken into account for the purpose of calculating the qualifying service and the very claim set out in the writ petition is devoid of merits and accordingly, the reasons stated in the impugned order is candid and there is no infirmity. Consequently, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintending Engineer,
Tuticorin Thermal Power Station,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO), Tuticorin-4,
Tuticorin District.
- 2.The Superintending Engineer,
(Distribution), Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO), Tuticorin-1, Tuticorin District.



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

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