

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 09.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.9661 of 2015**

1.S.Hariputhiran  
2.I.Kannan  
3.C.Velumani @ Veluchamy

... Petitioners

-Vs-

1. The Chairman,  
Tamil Nadu Distribution Generation  
Corporation Limited,  
No.144, Anna Salai, Chennai-2.

2 .The Chief Engineer (Personnel),  
Tamil Nadu Distribution Generation  
Corporation Limited,  
No.144, Anna Salai, Chennai-2.

3. The Chief Engineer,  
Tuticorin Thermal Power Station,  
Tuticorin-628 004.

4. The Superintending Engineer (P&A),  
Tuticorin Thermal Power Station,  
Tuticorin-628 04.

5. The Superintending Engineer,  
Mechanical-I,  
Tuticorin Thermal Power Station,  
Tuticorin-628 004.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned orders passed by the third and fourth respondents vide Let.No.20210/163/NiP3/U4/Ko.Manu/2010-1, dated 24.11.2011 and Let.No.0057/113/NiP3(4)/Ko.Manra. Vazhaku -2014, dated 30.09.2014 and quash the same and to direct the respondents to absorb / reinstate the petitioners in service as Helpers w.e.f 01.05.1999, with seniority, with all consequential benefits in the light of the letter of the Superintending Engineer, Mechanical-1, vide



lr.No.SE/M.1/TTPS/DB/JE/F.Contract/D.1357/99, dated 20.11.99, and as per the Board proceedings in B.P.(FB)No.17, dated 28.04.1999.

For Petitioners

: Mr.S.N.Ravichandran

For Respondents

: Mr.Anand Gopalan,  
For M/s.T.S.Gopalan & Co.

### ORDER

The impugned order dated 24.11.2011 and subsequent order in proceeding dated 30.09.2014 issued by the respondents 3 and 4 respectively, are under challenge in the present Writ Petition.

2.It is pertinent to note that the order dated 24.11.2011 itself states that the writ petitioners were relieved from service on 27.10.1999. Thereafter, the writ petitioners were not engaged by the respondent Board. The subsequent impugned order dated 30.09.2014 also states the same reason. However, the impugned order was passed, pursuant to the directions issued by this Court to consider the representation. Thus, the original cause arose during the year 2011 and subsequent order is also challenged in order to cover up the delay in filing the Writ Petition.

3.The fact remains that the writ petitioners were engaged as contract labourers on 01.05.1999 and served in the respondent Board upto 27.10.1999.

4.The learned counsel appearing on behalf of the writ petitioners states that the writ petitioners were engaged from the year 1993 onwards. He further states that the writ petitioners had served more than 480 days in the respondent Board. To establish the fact that the writ petitioners had served more than 480 days, the learned counsel appearing on behalf of the writ petitioners relied upon the certificate issued by the authorities of Board as well as certain documents.

5.This Court is of the considered opinion that the said documents were verified by the committee constituted for the purpose of granting absorption and the Board, scrutinising all the documents, arrived a conclusion that there were certain discrepancies, regarding the entries made in those documents. The discrepancies and the over writing were identified in those documents and a decision was taken that the writ petitioners had not completed 480 days of service for the purpose of granting permanent absorption.

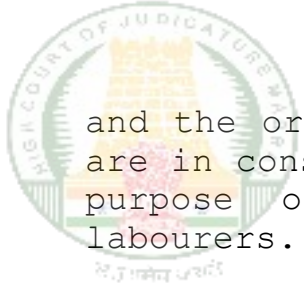
6.The learned counsel appearing on behalf of the respondent states that the committee constituted for the purpose of verifying the documents, scrutinising the genuinity of the

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8. The fact remains that services of the writ petitioners were terminated on 27.10.1999 and they are not in service for the past about 20 years. This apart, earlier Writ Petition was filed in the year 2007 and till such time, the writ petitioners have not pursued their grievances. There was enormous delay even in pursuing the remedy by the writ petitioners. The Writ Petition filed in the year 2007 was disposed of with a direction to consider the representation. Accordingly, the impugned order was passed by the third respondent on 24.11.2011 and the order passed by the High Court on 15.03.2007 in W.P. (MD) No. 2361 to 2363 of 2007 was referred in that order and once again, they have given a representation and the same reply was sent in proceeding dated 30.09.2014. There is no reason to send another representation, after rejection of the claim of the writ petitioners in proceeding dated 24.11.2011. In order to validating the lapsed order, they have filed another representation and got a same reply in the year 2014 and the present Writ Petition is filed in the year 2015. Therefore, in all purposes, the impugned order of rejection was passed in proceeding dated 24.11.2011, pursuant to the order of this Court dated 15.03.2007 and the present Writ Petition itself was filed in the year 2015. For all these reasons, this Court has no hesitation in coming to the conclusion that the writ petitioners have not pursued the remedy, within a reasonable period of time and this Writ Petition itself is liable to be rejected on the ground of laches.

9. This apart, even on merits, the case of the writ petitioners was considered by the competent committee and the committee had taken a decision that the writ petitioners are not entitled for permanent absorption, on account of the fact that they have not completed 480 days of service and in the documents submitted before the Committee, there were certain discrepancies and correction.

10. This being the factum of the case, the writ petitioners have not established any acceptable legal ground for the purpose of granting such relief sought for in the present Writ Petition



and the orders of rejection impugned in the present Writ Petition are in consonance with the policy implemented by the Board for the purpose of granting permanent absorption to these contract labourers.

11. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS )

+1 CC to Mr.P.MALINI, Advocate ( SR-74291[F] dated 09/07/2019 )

**W.P. (MD) No. 9661 of 2015**

**09.07.2019**

**Myr**

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