

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2020

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21742 of 2013

and

M.P.No.1 of 2013

1. TAMIL NADU ELECTRICITY BOARD ENGINEER UNION
REP. BY Its General Secretary
R.GOVINDARAJAN
2. S.MANOCHARAN
S/O.C.SRINIVASAN.
3. S.R.VIJAYARAM
S/O.K.SUBRAMANIAN.
4. M.MUNIYANDI
S/O.V.MARIMUTHU.
5. K.VIJAYAN
S/O.M.KANNAN.
6. R.ROHINI
D/O.S.RAMASAMY.
7. S.AMALA DOSS
D/O.A.SAWARIMUTHU.
8. R.MURUGESAN
S/O.P.RAMASAMY.
9. P.SHANTHI
D/O.K.PONNUSAMY.
- 10.K.RAVI
S/O.B.KUPPUSAMY.
- 11.G.GHANASEKARAN
S/O.P.GOVINDARAJA

..Petitioners

.vs.

1. The Secretary, Management of Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai -2.

2. The Chairman cum Managing Director,
TANGEDCO, Chennai -2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to forthwith create a common nomenclature by merging Junior Engineer Cadre as Assistant Engineer (Diploma) and Assistant Engineer (Graduate) by implementing the award made in I.D.No.173 of 1994 dated 30.6.2000 as confirmed in W.P.No.3211 of 2002 dated 9.8.2011 forthwith and to extend all consequential service and other benefits thereto.

For Petitioners : Mr.L.Chandrakumar
For Respondent(s) : M/S.Karthik Rajan (SC)

ORDER

This writ petition has been filed by the petitioners, to direct the respondents to forthwith create a common nomenclature by merging Junior Engineer Cadre as Assistant Engineer (Diploma) and Assistant Engineer (Graduate) by implementing the award made in I.D.No.173 of 1994 dated 30.6.2000 as confirmed in W.P.No.3211 of 2002 dated 9.8.2011 forthwith and to extend all consequential service and other benefits thereto.

2.The case of the petitioners is that the Electricity Board Employees Workmen constituting a Federation, made a demand for adjudication before the Industrial Tribunal, Chennai in ID.NO.173/1994. One of the issue raised was whether the demand for common nomenclature designation for both Junior Engineer (1) Grade and (2) Assistant Engineer on the ground that these post are identical in all respects is justified and if so to give appropriate direction. Accordingly, the Tribunal has passed an order on 30.06.2000 in favour of the Federation. Challenging the same the respondent filed Writ petition before this Court in WP.No.3211/2002, and sought quashment of the award and this Court, vide judgment dated 09.08.2011, confirmed the award passed by the tribunal. In order to implement the award in favour of the petitioners union as well as individuals, the petitioners union made a representation dated 26.12.2012, however till date filing the writ petition, no order was passed. Hence the present petition.

3.Learned counsel for the petitioner submitted that though the petitioner's union is not a party in the award passed by the Tribunal, however the common nomenclature decision was decided by the Tribunal in the above ID and the same was also confirmed by this Court. Hence there is no legal impediment for the

respondents to implement the award by extending order passed by the Tribunal to the members of the petitioner's union. Therefore, it is prayed that it would suffice, if this Court directs the respondents to consider the petitioner's union representation dated 26.12.2012 and pass orders, in the light the order passed by the tribunal, within a reasonable time as fixed by this Court.

4. On the above contention, this Court heard the learned counsel appearing for respondent, who has no serious for considering the representations in accordance with law.

5. In view of the limited request made by the learned counsel for the petitioners, I am inclined to issue a direction to the respondents to consider the petitioner's union representation dated 26.12.2012 and pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, Management of Tamil Nadu Electricity Board, No.800, Anna Salai, Chennai -2.
2. The Chairman cum Managing Director, TANGEDCO, Chennai -2.

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