

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 4684 OF 2013

and

M.P.Nos.1 & 3 of 2013

1.G.Viswanathan

2.D.Ragunath

3.K.Ramu

4.R.Pandian

5.R.Aseervatham

6.R.Ramesh

7.E.Munusamy

8.P.Ramadoss

9.E.Ekan

10.S.Murali

11.V.Mohan

12.N.Krishnan

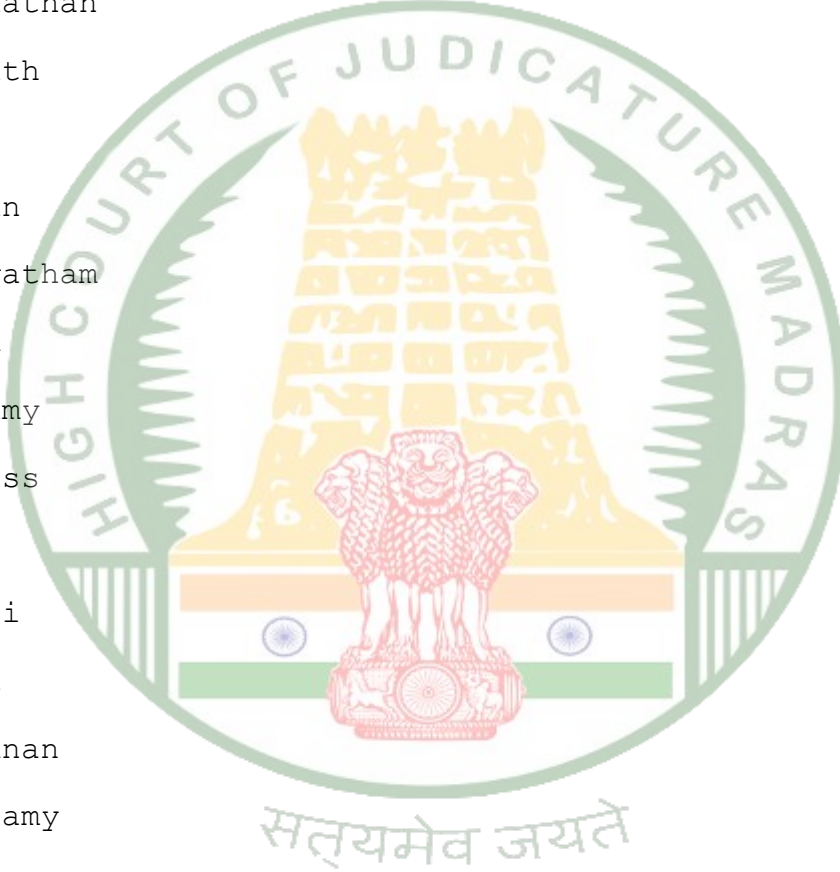
13.T.Munusamy

14.B.Mohan

15.V.Muniyandi

16.S.Vijayakumar

17.A.Anthony



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.. Petitioners

- Vs -

1. Tamil Nadu Generation & Distribution Corporations
Rep. By its Chairman cum Managing Director,
N.P.K.K.R.Maligai,
Anna Salai, Chennai 600 002.

2.Ennore Thermal Power Station,
Rep. By its Chief Engineer,
Ennore,
Chennai 600 057.

3.T.Raji,
C/o Officer of Superintending Engineer P&A,
Ennore Thermal Power Station,
Ennore, Chennai 600 057.

4.K.Mohan,
C/o Officer of Superintending Engineer P&A,
Ennore Thermal Power Station,
Ennore, Chennai 600 057.

5.K.Chinnaraj,
C/o Officer of Superintending Engineer P&A,
Ennore Thermal Power Station,
Ennore, Chennai 600 057.

6.C.Arumugam,
C/o Officer of Superintending Engineer P&A,
Ennore Thermal Power Station,
Ennore, Chennai 600 057.

7.R.Ramamoorthy,
C/o Officer of Superintending Engineer P&A,
Ennore Thermal Power Station,
Ennore, Chennai 600 057.

.. Respondents

(R3 to R7 are impleaded as per order of this Court
dated 23.02.2015, made in MP.No.1/2014
in W.P.No.4664/2013)

Writ petition filed under Article 226 of the Constitution
of India praying this Court to issue a writ of Certiorari,
calling for the records of the 1st respondent in connection with
the proceedings dated 28.02.2013, promoting the proposed parties
by, Memo.No.102-I/Admn-II/A.1/F.Pro./2013 prayer amended vide
order dt.13.04.2015 by TSSJ IN MP.NO.1 OF 2015 IN WP.NO.4684 OF
2013

For Petitioner : Mr. Bubale Chandran
for M/s. S. Kala

For Respondents: Mr.P.R.Dilipkumar for TNEB
: Mr. V.Bhiman for R2

ORDER

The petitioners have come up with the above writ petition praying to call for the records of the 1st respondent in connection with the proceedings dated 28.02.2013, promoting the proposed parties by, Memo.No.102-I/Admn-II/A.1/F.Pro./2013.

2. The case of the petitioners is that they were employed in the statutory canteen of the Tamil Nadu Electricity Board in the Ennore Power Station, maintained for the workers under section 46 of the Factories Act. The Employer Electricity Board was treating the petitioners as contract labourers whereas they claimed direct relationship in view of the fact that the petitioners were workers employed in the statutory canteen and the alleged contract was a sham. The said issue was settled by the Full Bench of this Court in W.A.NO.425 of 1991. Pursuant to the order in the said writ appeal all the petitioners therein who were so employed in the statutory canteen were absorbed in the service of the Electricity Board as helpers with effect from 11.09.1991 with arrears of pay from 11.09.1991. Accordingly all the petitioners who were so employed in the statutory canteen herein have been absorbed as helpers with effect from 11.09.1991, in the service of Tamil Nadu Electricity Board. The grievance of the petitioners is that though the petitioners were working in the filed for more than 10 years, the petitioners were promoted as Fitter Grade-II on 03.12.2004 and subsequently promoted as Fitter Grade-I on 19.08.2006 and they were promoted from Fitter Grade-I to Foreman Grade-II. On 10.09.2009, the juniors to the petitioners were promoted from Foreman Grade-II to Foreman Grade-I, except these petitioners and the same has not been communicated to them. Though the next panel for promotion is being prepared, the petitioners have not to be considered for promotion. Therefore the petitioners a made a representation to the respondents for promoting the petitioners as Foreman Gr-I. Since no order has been passed on their representation, the petitioners are constrained to approach this Court by filing the present petition.

3. Learned counsel appearing for the petitioners reiterated the grounds raised in the writ petition and contended that the respondents have not considered their service for promotion which is against the order passed by in W.A. No.425/1991. Hence he prays this Court to direct the respondents to consider their representation in accordance with law.

4. Learned Special Government Pleader appearing for the official respondents, submitted that this Court may direct the 1st respondent to consider the petitioners representation, in accordance with law within a particular time frame as fixed by this Court.

5. This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. In view of the limited relief sought for, without going into the merits of the issue, this Court directs the 1st respondent to consider the representation made by the petitioners in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petitioner are closed.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

jrs

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporations
N.P.K.K.R.Maligai,
Anna Salai, Chennai 600 002.
- 2.The Chief Engineer,
Ennore Thermal Power Station,
Ennore, Chennai 600 057.
- 3 The Officer of Superintending Engineer P&A,
Ennore Thermal Power Station,
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VC (19/01/2021)