

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 10761 of 2020

V.Sellapillai

... Petitioner

-vs-

1.The Chief Engineer (Personnel),
TANGEDCO,
"N.P.K.K.R.Maalgai"
144/800, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer (South II)
TANGEDCO,
110-KV S.S.Compound,
K.K.Nagar,
Chennai - 600 078.

3.The Executive Engineer (O&M),
Tambaram Division, TANGEDCO,
110-KV S.S.Compound,
Tambaram, Chennai - 600 045.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to forthwith to regularise the Services of the Petitioner based on B.P. No.9 dated 09.01.2008, by considering and passing orders on the representation of the Petitioner dated 09.07.2020.

For Petitioner : Mr. K.Selvaraj

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

O R D E R
(through video conference)

Heard Mr. K.Selvaraj, Learned Counsel for the Petitioner and Mr. Anand Gopalan, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition for directing the Respondents to forthwith regularize the services of the Petitioner based on Board Proceedings B.P. No.9 dated 09.01.2008 by considering and passing orders on the representation dated 09.07.2020 made by the Petitioner.

3. At this juncture, it must be recalled that the Division Bench of this Court in Superintending Engineer, Nagapattinam -vs- Inspector of Labour [(2009) 4 MLJ 472] has earlier considered the claims made by similarly placed persons for absorption in Tamil Nadu Electricity Board (hereinafter referred to as 'TNEB' for short and now renamed as 'TANGEDCO') and has ruled that the same would have to be determined only on the basis of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P. (FB) No. 44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of Tamil Nadu Generation and Distribution Corporation Limited (hereinafter referred to as 'TANGEDCO' for short). In a number of subsequent cases that have followed, this Court had reiterated that legal position.

4. In that view of the matter, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the concerned authority of TANGEDCO to examine the claim of the Petitioner for absorption in service in terms of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P. (FB) No. 44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of TANGEDCO, in the following manner:-

- (i) The Petitioner shall submit his application to the Superintending Engineer (South II), TANGEDCO, Chennai along with a copy of the same to the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Eighth Floor, Eastern Wing, NPKRR Maligai, 144, Anna Salai, Chennai - 600 002 supported by relevant documents to substantiate their claim for absorption in service, on or before 30.09.2020;
- (ii) If the concerned authority after the scrutiny of the application is not satisfied with the prescribed requirements or eligibility criteria for extending that benefit to the Petitioner, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 10 working days that may be granted for that purpose.
- (iii) In the event of the concerned authority not being satisfied

with the compliance of the requirements even thereafter, an enquiry shall be conducted affording opportunity of personal hearing to the Petitioner to explain his position in that regard;

- (iv) Thereafter, the application of the Petitioner shall be considered by the concerned authority on merits and in accordance with law dealing with each of the contentions and a reasoned order shall be passed, which shall be communicated to the Petitioner under written acknowledgment by 31.12.2020.
- (v) The report of action taken shall be filed in the Registry of this Court by 06.01.2021.

The Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vjt/dm

To

- 1.The Chief Engineer (Personnel),
TANGEDCO,
"N.P.K.K.R.Maaligai"
144/800, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer (South II)
TANGEDCO,
110-KV S.S.Compound,
K.K.Nagar,
Chennai - 600 078.
- 3.The Executive Engineer (O&M),
Tambaram Division, TANGEDCO,
110-KV S.S.Compound,
Tambaram, Chennai - 600 045.
4. The Section Officer,/Writ Posting
Writ Section, High Court of Madras.

W.P. No. 10761 of 2020

SPD(CO)
GMY(08/09/2020)