

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 05-11-2020

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.15794 of 2020

1. K.Venkatesan
2. A.Elumalai
3. M.Velu
4. U.Selvakumar
5. A.Narayanan
6. M.Mani
7. R.Raja
8. S.Seeman
9. T.K.Elumalai
10. M.Kamaraj
11. S.Syed Akbar
12. S.Paranthaman
13. R.Venkatesan
14. G.Elango

..... Petitioners

-vs-

1. Tamil Nadu Electricity Board
Anna Salai, Chennai - 600 002.
Represented by its Chairman.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.
3. The Chief Engineer
Hydro Power Project,
Tamil Nadu Electricity Board,
E.B.Complex, E.V.N.Road,
Erode - 9.
4. The Superintending Engineer (Civil)
Hydro Power Project,
Tamil Nadu Electricity Board,
E.B.Complex, E.V.N.Road,
Erode - 9.
5. The Divisional Engineer (Civil)
Hydro Power Station,
Tamil Nadu Electricity Board,
E.B.Complex, E.V.N.Road,
Erode - 9.

..... Respondents

Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent's Board to dispose of our representation dated 18.04.2020 on merits and in accordance with law within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.Anand Gopal
Standing counsel for TANGEDCO

ORDER

The prayer sought for herein is for a writ of mandamus, directing the first respondent's Board to dispose of the petitioners' representation dated 18.04.2020 on merits and in accordance with law.

2. Mr.S.Sivakumar, learned counsel appearing for the petitioner would submit that, these petitioners had been working for several years as contract employees with the respondent TANGEDCO under various capacity and despite their long service as contract employees with the respondents, their employment has not been confirmed or their permanent worker status has not been conferred on them.

3. In this regard, it is further submitted by the learned counsel appearing for the petitioner that, some of the juniors, that means, those who joined as contract workers subsequent to the joining of these petitioners since have been considered by the respondent TANGEDCO and their status have been confirmed, such a benefit has not been extended to these petitioners. Therefore in this regard, all these petitioners had given a joint representation to the respondents on 18.04.2020 and therefore the learned counsel for the petitioner would submit that, if the said representation is directed to be considered by the respondents on merits and in accordance with law within a time frame that may be stipulated by this Court, certainly these petitioners would be satisfied.

4. I have heard Mr.Anand Gopal, learned Standing counsel appearing for the respondents who would submit that, whether the claim of the petitioners that they have joined as contract workers directly with the TANGEDCO or not has to be ascertained, assuming that if they had been there as contract workers for sometime, whether that will make entail them to claim the status of permanent workers within the meaning of the provisions of the Conferment of Permanent Status to Workmen Act, 1981 and all these aspects can be considered by the respondents, while considering the representation of the petitioners, dated 18.04.2020 and accordingly, the respondents would pass suitable

orders on merits and in accordance with law.

5. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

6. Having regard to the said submissions made by the learned counsel for both sides and also the prayer since been an innocuous in nature, this Court is inclined to dispose this writ petition with the following order :

" that the respondents, especially, the third and fourth respondents herein are directed to consider the representation of the petitioners, dated 18.04.2020 and decide the same on merits and in accordance with law and accordingly, pass necessary orders to that effect and communicate the same to the petitioners within a period of twelve (12) weeks from the date of receipt of a copy of this order."

7. With this direction, the writ petition is disposed of.
No costs.

-sd-

Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

tsvn

To

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai - 600 002.

2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 600 002.

3. The Chief Engineer
Hydro Power Project,
Tamil Nadu Electricity Board,
E.B.Complex, E.V.N.Road,
Erode - 9.

4. The Superintending Engineer (Civil)
Hydro Power Project,
Tamil Nadu Electricity Board,
E.B.Complex, E.V.N.Road,
Erode - 9.

5. The Divisional Engineer (Civil)
Hydro Power Station,
Tamil Nadu Electricity Board,
E.B.Complex, E.V.N.Road,
Erode - 9.

+1 C.C. to M/S.Law Square Advocate SR.NO. 35755

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UM (CO)
VS 19.12.2020



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