



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.10458 of 2020

and

W.M.P. (MD) No.9252 of 2020

S.Nagarajan

... Petitioner

Vs.

- 1) The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep. by its Chairman,
144, Anna Salai, Chennai-2
- 2) The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Annasalai,
Chennai 2
- 3) The Superintendent of Engineer,
Administrative,
O/o the Superintendent of Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Magaraja Nagar,
Tirunelveli -11
- 4) The Executive Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Magaraja Nagar,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to regularize the petitioners service in the post of helper/ Mazdoor or in any other post with effect from the date of initial appointment in the light of the order passed by the 3rd respondent vide his proceedings no.24677-2/1/-2007 dated 08.09.2007 in respect of the similarly placed persons within the period that may be stipulated by this Court.



For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates

For Respondents : Mrs.Malathi,
For M/s.T.S.Gopalan & Co
standing counsel

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O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, to direct the respondents to regularize the petitioners service in the post of helper/ Mazdoor or in any other post with effect from the date of initial appointment in the light of the order passed by the 3rd respondent vide his proceedings no.24677-2/1/-2007 dated 08.09.2007 in respect of the similarly placed persons within the period that may be stipulated by this Court.

2. The petitioner claimed to have been appointed on 04.03.1991 as 'Contract Labour' or 'Contract Worker' with the respondent TANGEDCO as a 'Helper' and accordingly, he has been continuously working for all these years till date.

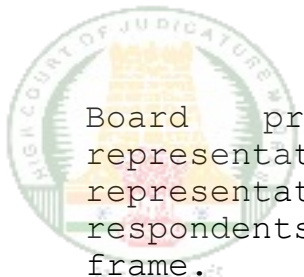
3. In this regard, the grievance of the petitioner is that, since he had been working for several years as 'Contract Labour' or 'Contract Worker' in the post of 'Helper', he seeks indulgence of the respondents to regularize his service with all necessary service benefits.

4. In this regard, the petitioner has given several representations right from the year 2008 on the following dates- 31.01.2008, 02.07.2009, 18.05.2016 and lastly on 28.11.2019.

5. Since none of these representations have been considered, and so far, as, nothing has been forthcoming from the respondents, he has approached this Court by filing this writ petition with the aforesaid prayer.

6. In this context, the learned counsel for the petitioner would submit that, if these representations are directed to be considered by the respondents on merits and in accordance with law, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

7. Heard Mrs.Malathi, learned standing counsel appearing for the respondents who would submit that, merely because the petitioner claimed to have been working for some years as a 'Contract Worker' or 'Contract Labour', that would not confer any status upon him to claim permanency. Therefore, the entitlement of the petitioner for claiming regularization or permanency can only be decided as per the



Board proceedings and standing orders. Therefore, the representations given by the writ petitioner including the last representation, dated 28.11.2019 would be considered by the respondents on merits and in accordance with law within a time frame.

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8. Having regard to the said submission made by the learned counsel appearing on both sides and having perused the materials placed before this Court, this writ petition is disposed of by passing the following orders:-

"that the respondents shall be directed to consider the representation of the petitioner, dated 28.11.2019 and the previous representations right from the year 2008 also, on merits and in accordance with law and decide the same, with regard to his plea to get the regularization of his service, and such a decision shall be made by the respondents within a period of twelve weeks from the date of receipt of a copy of this order."

9. With this directions and observations, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.9252 of 2020 is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.T.S. GOPALAN & CO, Advocate (SR-15483[F] dated 01/09/2020)

Order made in
W.P. (MD) No.10458 of 2020
31.08.2020

VB (29.09.2020) 3P 2C