

IN THE HIGH COURT OF JUDICATURE AT MADRAS

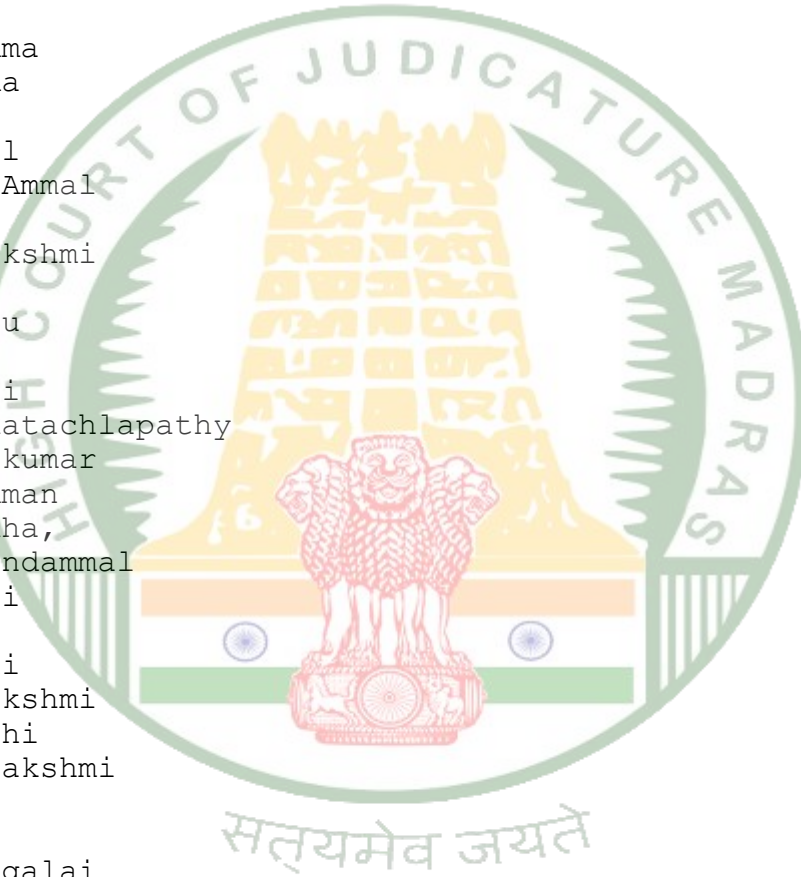
DATED: 30.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8156 of 2021

1. K.Jayalakshmi
2. Ellari Srinivasalu
3. D.Sutha
4. D.Ravanamma
5. M.Bujjamma
6. V.Sumathi
7. V.Logammal
8. Parvathi Ammal
9. T.Jayamma
10. T.Adhilakshmi
11. G.Geetha
12. D.Alamelu
13. A.Uma
14. R.Kanmani
15. K.V.Venkatachlapathy
16. V.P.Sasikumar
17. P.Mariamman
18. B.Srilekha,
19. B.R.Govindammal
20. G.Padmini
21. K.Santhi
22. S.Malathi
23. C.Jayalakshmi
24. L.Parvathi
25. G.Subbulakshmi
26. K.Dhansa
27. K.Susila
28. S.Manimegalai
29. P.Malliga
30. S.D.Saramma
31. R.Devaiah
32. P.Malakonda Rayudu
33. C.R.Mangamma
34. P.Ravanamma
35. K.Pattu
36. V.Lakshmi
37. R.Devi
38. T.Vijaya
39. R.Kathija



WEB COPY

... Petitioners

1. Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
NO.14, Anna Salai, Chennai - 600 002.
2. Superintending Engineer / CEDC/Central,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
110, KVSS, Valluvar Kottam,
Chennai - 600 034.
3. Superintending Engineer / CDC-I,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the representation of the petitioners, dated 07.12.2019 and 11.03.2020 in the light of the order passed in Memo No.081451/1310/G.42/G422/2017-1, dated 28.09.2017 and absorb the petitioners in the existing vacancy as full time regular Conservancy Workers with all attendant benefits.

For Petitioners : Mr.V.Stalin
For Respondents : Mr.P.R.Dhilipkumar

O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent to pass orders on the representation of the petitioners, dated 07.12.2019 and 11.03.2020 in the light of the order passed in Memo No.081451/1310/G42/G422/2017-1, dated 28.09.2017 and absorb the petitioners in the existing vacancy as full time regular Conservancy Workers with all attendant benefits.

2. Mr.P.R.Dhilipkumar, learned Standing Counsel takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioners that they have been working as Part time Conservancy Workers as Sweepers since 2011, under the 2nd and 3rd respondents and they are also fixed with regular time scale of pay vide order passed by the 1st respondent dated 26.09.2011 and 28.09.2011. Is the grievance of the

petitioners that even though time limit prescribed for part time Conservancy workers, they are working as full time workers as Sweepers. Therefore, the petitioners claims to absorb them as full time regular employees in the light of the Memo issued by the respondents in Memo No.081451/1310/G42/G422/2017-1, dated 28.09.2017. In similar circumstances, this Court by an order dated 09.01.2014, directed the respondents to consider the representation of the petitioners therein (similarly placed persons like the petitioners herein) for absorbing them as full time regular employees. In this connection, the petitioners made detailed representation individually to the 1st respondents explaining the factual and legal position and seeking extension of benefit. As there was no response on the representations, the petitioners are before this Court by filing the present Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioners' representation are already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to dispose of the representations preferred by the petitioners dated 07.12.2019 and 11.03.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 07.12.2019 and 11.03.2020 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representations, to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioners, later on, will not take a plea that the petitioners are not aware of the order. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vum
To

1. Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
No.14, Anna Salai, Chennai - 600 002.
2. Superintending Engineer / CEDC/Central,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
110, KVSS, Valluvar Kottam,
Chennai - 600 034.
3. Superintending Engineer / CDC-I,
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

+1 CC to Mr.V. Stalin, Advocate sr 21211.

W.P.No.8156 of 2021

LN(CO)
SP(19/05/2021)