

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7741 of 2021 and
W.M.P. Nos.8289 & 8290 of 2021

1.G.Ashok

2.M.Ramkumar

3.K.Ramaiah

4.V.Manikandan

5.M.Thulasilingam

6.M.Murugan

... Petitioners

-vs-

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
rep. by its Secretary,
No.144, Anna Salai,
Chennai-600 002.

2.The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

3.The Chief Engineer (Personnel),
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to include the name of the petitioner in the select list by taking into consideration the fact that the petitioner has obtained 65 marks in the category SC (Tamil Medium) and which is higher than the cut off marks of the last selected candidates and accordingly appoint the petitioner from the date when the selected candidates are appointed with all service and monetary benefits.

For Petitioners : Ms.Dakshayini Reddy for
Mr.S.Esairani Narasimman

For Respondents : M/s.T.S.Gopalan & Co.

O R D E R

This Writ petition is filed, seeking a direction to the respondents to include the name of the petitioners in the selection list by taking into consideration the fact that they have obtained 65 marks in the category SC (Tamil Medium) and the same is higher than the cut off marks of the last selected candidates and accordingly appoint them from the date when the selected candidates are appointed with all service and monetary benefits.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The brief facts of the case are that the post of Gangman (Trainee) is a newly created post under the various Proceedings of the respondent Corporation. The Policy decision was taken for creation of 5,000 new posts of Gang man originally vide Proceedings dated 06.03.2019, prescribing V Std. pass alone as a requisite qualification. Pursuant to the above decision, the respondents herein issued Notification calling for the application for appointment to the post of Gangman (Trainee) vide Notification dated 07.03.2019 fixing Rs.15,000/- as remuneration.

4. The learned counsel for the petitioners submitted that by order dated 22.02.2021, the Division Bench of this Court in W.P. No.13740 of 2019 etc. batch case, has held that fresh appointment letters be issued and the contractual workers, who have succeeded may also be engaged. At this juncture, it is stated that the petitioners herein have passed the physical test, and obtained 65 marks in the written examination and fully qualified for appointment of the said post. The grievance of the petitioners is that their names have not been included in the selection list. Hence, the petitioners are come forward with the present Writ petition, seeking the aforesaid relief.

5. According to the learned counsel for the petitioners, the petitioners have submitted a representation dated 08.03.2021 to include their names in the selection list, but, the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioners is directed to be considered and disposed of by the

respondents, on merits.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioners' representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioners dated 08.03.2021, 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 two months 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 respondents 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 representation dated 08.03.2021 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, 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 is not aware of the order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vum

To

1.The Secretary, Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

2.The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

3.The Chief Engineer (Personnel),
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

+6 cc to M/s.Esairani Narasimman, Advocate, S.R.No.19497

+1 cc to Mr.T.S.Gopalan & CO, Advocate, S.R.No.19432

W.P.No.7741 of 2021 and
W.M.P. Nos.8289 & 8290 of 2021

SR II(CO)
CB(09/04/2021)