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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P.Nos.9068, 10068, 11538, 13740, 32096,
32899 & 34846 of 2019
and all connected pending WMPs

CENTRAL ORGANISATION OF TAMIL
NADU ELECTRICITY EMPLOYEES (COTEE)
NO.27, MOSQUE STREET, CHEPAUK,
CHENNAI-5

.. Petitioner in WP.No.9068 of 2019

TAMILNADU ELECTRICITY BOARD
EMPLOYEES FEDERATION, REP. BY ITS GENERAL
SECRETARY, 39/101, SINGANNA STREET,
CHINDRADRIPET, CHENNAI - 600 002.

.. Petitioner in WP No.10068 of 2019

TAMIL NADU MINKAZHAGA THOZHI
LALAR MUNNETRA SANGAM, (RECOGNISED
REGISTERED TRADE UNION, REGN.NO.38/CPT) REP.
BY ITS GENERAL SECRETARY, S.RATHINASABAPATHI,
NO.144, ANNA SALAI, CHENNAI 02.

.. Petitioner in WP No.11538 of 2019

TNEB ACCOUNTS AND EXECUTIVE STAFF UNION,
REP. BY ITS GENERAL SECRETARY,
K.CHANDRASEKARAN, NO.29, MEERAN SAHIB STREET,
ANNA SALAI, CHENNAI -600 002

.. Petitioner in WP No.13740 of 2019

1 S.RAJU,

2 V.GNANAPRAKASAM,



3 A.VELU,
4 R.JAGADEESWARAN,
5 N.BALAJI,

6 R.PRABAKARAN,

7 K.VEERAMAHENDERAN,

8 C.SUNDAR,

9 N.GNANAVEL,

10 C.PRABAKARAN,

11 K.ASHOKKUMAR,

12 S.VINAYAGAM,

13 S.RAJA,

14 S.VEMBULI,

15 K.VINAYAGAM,

16 D.VANITHA,

17 K.MOHAN,

18 B.SARAVANAN,

19 J.SARAVANAN,

20 S.REGAL,

21 R.SUGANANTHAM,

22 R.MUNUSAMY,

23 K.KUPPUSWAMY,

24 R.KUPPAMUTHU,

25 J.DUR AISAMY, .. Petitioners in WP No.32096 of 2019

TIRUPPUR MAVATTA AMAIPPUSARA,
MATTURUM KATTUMANAM THOZHILALAR, MUNNETRA
SANGAM, REP.BY ITS SECRETARY, A.SARAVANAN,
S/O.ADAIKALAM,NO.52, RAJARAO STREET,
TIRUPPUR. .. Petitioner in WP No.32899 of 2019



1 SIVA ARUMUGAM,

2 V.VARUNKUMAR,

3 T.M.ARAVIND,

4 V.RAVI,

5 S.VELMURUGAN,

6 R.MOHAN,

7 P.ARUJUNAN,

8 P.PUGALENTHI,

9 C.GANDHI,

10 K.MUNIRAJ,

11 K.ARAVIND,

12 A.ABDUL ISACK,

13 B.THANGARAJ,

14 I.MOHAMAD ABSALIC,

15 A.VIJAYANANDH,

16 V.VILVANESH,

17 M.RAJAGOPAL,

18 P.KATHIRAVAN,

19 R.VADIVELU,

20 P.DAVID,

21 M.GOPINATH,

22 M.KANALARASAN,

23 P.RAJAMOHAN,

24 P.KARTHIKEYAN,

25 P.MANI,

.. Petitioners in WP No.34846 of 2019



Vs

1. THE CHAIRMAN,
TAMIL NADU ELECTRICITY BOARD, 144,
ANNA SALAI, CHENNAI-2.

2. THE CHIEF ENGINEER (PERSONNEL),
TAMIL NADU ELECTRICITY BOARD,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.
(TANGEDCO), NO.144,
ANNA SALAI, CHENNAI-2.

3. TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD. (TANGEDCO),
REP. BY ITS SECRETARY, 144, ANNA SALAI,
CHENNAI-2.

.. Respondents in WP.No.9068 of 2019

1 TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
REP. BY ITS SECRETARY,
144, ANNA SALAI, CHENNAI - 600 002

2 THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
144, ANNA SALAI, CHENNAI - 600 002.

3 THE CHIEF ENGINEER (PERSONNEL),
TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
144, ANNA SALAI, CHENNAI - 600 002.

.. Respondents in WP No.10068 of 2019

TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO),
REP. BY ITS SECRETARY, 144, NPKR MALIGAI,
ANNA SALAI, CHENNAI - 600 002.

.. Respondent in WP No.11538 of 2019

1 TAMILNADU GENERATION AND DISTRIBUTION, CORPORATION LTD.,
REP. BY ITS SECRETARY, NO.144, ANNA SALAI, CHENNAI-2.

2 THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
NO.144, ANNA SALAI, CHENNAI-2.



3 THE CHIEF ENGINEER (PERSONNEL),
TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
NO.144, ANNA SALAI, CHENNAI-2.

.. Respondents in WP No.13740 of 2019

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1 TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED
(TANGEDCO),
REP. BY ITS PRINCIPAL SECRETARY, 144, NPKR
MALIGAI, ANNA SALAI, CHENNAI - 600002

2 THE CHIEF ENGINEER PERSONNEL (TANGEDCO),
144, NPKR MALIGAI, ANNA SALAI,
CHENNAI - 600002

3 THE CHIEF ENGINEER NCTPS-II,
NORTH CHENNAI THERMAL POWER STATION,
CHENNAI - 600120

.. Respondents in WP No.32096 of 2019

1 THE CHAIRMAN,
TAMIL NADU ELECTRICITY BOARD, NPKRR MAALIGAI,
NO.144, ANNA SALAI, CHENNAI 600 002.

2 THE CHIEF ENGINEER,
PERSONNEL, TAMIL NADU, GENERATION AND DISTRIBUTION, CORPORATION
LTD., NPKRR
MAALIGAI, NO.144, ANNA SALAI,
CHENNAI 600 002.

.. Respondents in WP No.32899 of 2019

1 TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED
(TANGEDCO),
REP. BY ITS SECRETARY, 144, NPKR MALIGAI,
ANNA SALAI, CHENNAI 600002

2 THE CHIEF ENGINEER PERSONNEL
(TANGEDCO),, 144, NPKR MALIGAI, ANNA SALAI,
CHENNAI - 600002

3 THE CHIEF ENGINEER,
MTPS, STAGE III, (1 X 600 MW), METTUR
THERMAL POWER STATION, METTUR DAM 636401

.... Respondents in WP No.34846 of 2019

Prayer in WP.No.9068 of 2019 :

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in (Per) FB TANGEDCO Proceedings No.8 dated



02.3.2019 and proceedings in (Per.) FB TANGEDCO Proceedings No.10 dated 06.3.2019 of the 3rd respondent and Notification No.1/2019 dated 07.3.2019 issued by the 2nd respondent, quash the same and consequently direct the respondents to absorb the petitioner members as Helper/Field Assistant and pass such other order or direction to meet the ends of justice and award costs.

Prayer in WP No.10068 of 2019:

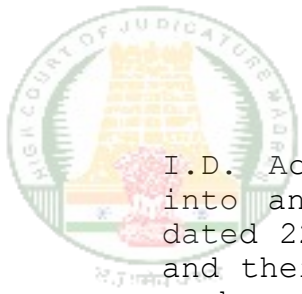
Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to Calling for the records pertaining to the orders in (Per) FB TANGEDCO Proceedings No.8, dated 02.03.2019 and (per) FB TANGEDCO proceedings No.10 dated 06.03.2019, issued by the 1st respondent and the Notification No.1/2019 dated 07.03.2019 and the corrigendum issued on 08.03.2019, by the 3rd respondent, quash the same and consequently forbear the respondents from abolishing or reducing any posts, without issuing any notice under section 9(A) of the I.D.Act and also without holding talks and without entering into any new settlement modifying or replacing the settlement dated 22.02.2018 and in detriment to the interest of the workmen and their conditions of service and to absorb the services of the members of the Petitioners Union who are serving as contract labourers in the existing vacancies in the post of field Assistant with all consequential benefits, award costs.

Prayer in WP No.11538 of 2019:

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to calling for the records relating to the impugned Notification (Per.) FB TANGEDCO Proceedings No.8 dated 2.3.2019, and consequential Notification (Per) FB TANGEDCO proceedings No.10 dated 6.3.2019 and recruitment notification No.1/2019 dated 07.03.2019, and quash the same.

Prayer in WP No.13740 of 2019:

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to Calling for the records pertaining to the orders in (per) FB TANGEDCO proceedings No.10 dated 06.03.2019, issued by the 1st respondent and the Notification No.1/2019 dated 07.03.2019 issued by the 3rd respondent, by quash the same and consequently forbear the respondents from abolishing or reducing any posts, without issuing any notice under section 9(A) of the



I.D. Act and also without holding talks and without entering into any new settlement modifying or replacing the settlement dated 22.02.2018 and in detriment to the interest of the workman and their condition of service and to absorb the services of the members of our union who are serving as contract labourer in the existing vacancies in the post of filed Assistant with all consequential benefits, award cost.

Prayer in 32096 of 2019:

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to calling for the records of the 1st respondent pertaining to Notification (Per.) FB TANGEDCO Proceedings No. 8 dated 02.03.2019 and (Per) FB TANGEDCO Proceedings No. 10 dated 06.03.2019 along with Notification No. 1 of 2019 dated 07.03.2019 on the file of the 1st and 2nd Respondents and quash the same in so far as it does not contemplate absorption of the Petitioners already working as helpers to the newly created post of Gangman, and consequently direct the 1st Respondent to absorb the Petitioners in the newly created post of Gangmen.

Prayer in WP No.32899 of 2019:

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified to Call for the records of impugned Notification of the 2nd respondent in Letter No.058323 /1535 /G.57/ G.572/2019 dated 16/11/2019 and to quash the same.

Prayer in WP No.32846 of 2019:

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to calling for the records of the 1st respondent pertaining to Notification (Per.) FB TANGEDCO Proceedings No. 8 dated 02.03.2019 and (Per) FB TANGEDCO Proceedings No. 10 dated 06.03.2019 along with Notification No. 1 of 2019 dated 07.03.2019 on the file of the 1st and 2nd Respondents and quash the same in so far as it does not contemplate absorption of the Petitioners already working as helpers to the newly created post of Gangman, and consequently direct the 1st Respondent to absorb the Petitioners in the newly created post of Gangman.



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For Petitioners

: Mr.V.Stalin for petitioner
in WP.No.9068 of 2019

Mr.V.Ajoy Khose for
petitioner in WP.No.10068
of 2019

***Ms.C.S.Sreenedhi** for
***M/s.P.Wilson Associates**
for petitioner in
WP.No.11538 of 2019

Mr.A.R.Suresh for
petitioner in WP.No.13740
of 2019

***Ms.C.S.Sreenedhi** for
***M/s.P.Wilson Associates**
for petitioners in both
WP.Nos. 32096 and 34846 of
2019

Ms.N.R.Jasmine Padma for
petitioner in WP.No.32899
of 2019

For Respondents

Mr.Anand Gopalan for
M/s.T.S.Gopalan & Co. in
all the writ petitions

COMMON ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

We have heard the learned counsel appearing for the parties.

2. After arguing the writ petitions for some length, the learned counsel appearing for the respective petitioners submit that after the proceedings dated 02.3.2019 issued by the third respondent, followed by the proceedings dated 22.4.2019, a corrigendum was issued vide proceedings dated 09.7.2020 and in view of the same, the petitioners want to avail the alternate remedy for their benefit. They pray for withdrawal of these writ petitions with liberty to avail appropriate alternate legal remedy, as is available to the petitioners for redressal of their grievance.

3. The learned counsel appearing for the respondents has no objection for withdrawal of these writ petitions. However, it is submitted that liberty may be granted to the respondents also to



raise legal objections against the remedy taken by the petitioners, if it is not maintainable.

4. In view of the said submissions, the writ petitions are dismissed as withdrawn with liberty, as prayed for. The petitioners are at liberty to avail the alternate legal remedy, as is available to them for redressal of their grievance. At the same time, the respondents are also granted liberty to raise all legal objections against it, if available. Consequently, all connected pending WMPs are also dismissed. There will be no order as to costs.

*** (Corrected order as per letter dated 01/02/2022)**

Sd/-

Assistant Registrar(CS VI)

21/12/2021

//True Copy//

Sub Assistant Registrar

To,

1. THE CHAIRMAN, TAMIL NADU
ELECTRICITY BOARD,
144,ANNA SALAI, CHENNAI-2.
2. THE CHIEF ENGINEER (PERSONNEL),
TAMIL NADU ELECTRICITY BOARD,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.
(TANGEDCO), NO.144,ANNA SALAI,
CHENNAI-2.
3. THE SECRETARY,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.(TANGEDCO),
144, ANNA SALAI, CHENNAI-2.
4. THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD.,
144, ANNA SALAI, CHENNAI - 600 002.
- 5 THE CHIEF ENGINEER NCTPS-II,
NORTH CHENNAI THERMAL POWER STATION,
CHENNAI - 600120

***To be substituted
the order already
despatched on
07/01/2022**



6. THE CHIEF ENGINEER,
MTPS, STAGE III, (1 X 600 MW),
METTUR THERMAL POWER STATION,
METTUR DAM 636401.

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+1 cc to M/s.Row and Reddy,Advocate Sr.NO.67544
+3 ccs to Mr.P.Wilson Associtates,Advocate Sr.NO. 67383 TO 67385
+1 cc to Mr.A.R.Suresh,Advocate Sr.NO.66916
+1 cc to Mr.L.Chandrakumar,Advocate Sr.NO. 67329
+6 ccs to M/s.T.S.Gopalan & Co,Advocate Sr.NO. 67223,67229

W.P.No.9068 of 2019 etc. cases

AJS (CO)

A.SK(22.12.2021)

CT 28/03/2022