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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20759 of 2014

R.Sakthivel

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 006.
2. The Superintending Engineer,
Erode Distribution Circle,
Erode.
3. The Assistant Engineer,
Operation and Maintenance,
Karungalpalayam, Erode -3.
4. The Assistant Engineer,
Operation & Maintenance,
Nasiyanoor, Erode.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent herein to consider the representation of the petitioner dated 20.02.2014 to regularise the service of the petitioner and pass orders within time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Arangeswaran

For R1 & R2 : M/s.T.S.Gopalan & Co.,

ORDER

The prayer made in this writ petition is to direct the first respondent to consider the petitioner's representation dated 20.02.2014 to regularise the service of the petitioner.



2. According to the petitioner, he was working in the third respondent organization continuously for more than 240 days every year starting from 1994 till 2006. Thereafter, he was appointed as a regular contract labourer by the proceedings of the Assistant Engineer in Lr.No.011847/550/Ni.Pi2(3)/2012-3 dated 23.3.2013. However, his service was not regularized. Hence, the petitioner made a representation dated 20.02.2014 to the first respondent. Finding no response on the said representation, he has come up with this Writ Petition.

3. Upon notice, the respondents filed a detailed counter affidavit wherein it is inter alia stated that due to the accident, the petitioner could not appear before the verification Committee on 18.09.2002; as per the medical Certificate issued by M/s.Bethel Hospital, Coimbatore, he was not in a position to work during 2002 and 2003 and hence, the petitioner's statement that he had continuously worked in the respondent organization for the period from 1993 to 2011 is not acceptable. It is further stated that no contract Labourer is eligible for claiming permanency in an organization, unless and otherwise he is continuously engaged for more than 480 days in 24 calendar months and therefore, the claim of the petitioner seeking employment is not maintainable.

4. The aforesaid averments made in the counter affidavit filed by the respondents have been seriously refuted by the learned counsel for the petitioner.

5. Considering the rival submissions, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 20.02.2014, if not already considered, and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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To

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4. The Assistant Engineer,
Operation & Maintenance,
Nasiyanoor, Erode.

+1cc to Mr.T.S.Gopalan & Co., Advocate Sr.1866
+1cc to Mr.P.Saravanan, Advocate Sr.2093

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srg 19/07/2021