



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.6461 of 2018

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Senthil Seenivasan

... Petitioner

vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
K.Pudur,
Madurai 625 007.

4.The Store Controller,
General Construction Circle Stores,
Tamil Nadu Generation and Distribution Corporation Limited,
Samayanallur,
Madurai 625 402.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to absorb him in the post of Mazdoor by issuing necessary appointment order, as per the settlement dated 10.08.2007, which was confirmed by the order of the Division Bench of this Court, dated 24.10.2008, in a batch of writ petitions.

For Petitioner	: M/s. C.S.Monica
For Respondents	: Mr.Anand Gopalan for M/s. T.S.Gopalan & Co.

O R D E R

The petitioner claims that he was engaged on daily wages between 02.01.1992 to 31.03.1995 at General Construction Circle, Madurai Office. From 01.04.1995 to 31.03.2001, he was engaged as a Security Guard in Transformer Erection Office, Samayanallur at General Construction Circle, Madurai Office. His services were not



confirmed in spite of various and several requests made by him and he has thus approached this Court seeking a direction to the respondents to absorb him in the post of Mazdoor, as per Section 12 (3) Settlement, dated 10.08.2007.

2. The settlement was challenged in Writ Appeal by aggrieved Unions and employees as well as by the TANGEDCO. The claims of workers who sought permanent status under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 came to be challenged by TANGEDCO.

3. By an order dated 24.10.2008, the Settlement was upheld and my attention is drawn to Clause (1), (a), (b) and (c) , which reads as follows:

"1) The Contract Labourers already identified during 1998 by the committee consisting of officers of the Board not exceeding 6,000 Nos. will be absorbed into Board's service with effect from 15.09.2007 in the following manner:-

a) The contract labourers with S.S.L.C. and higher academic qualification will be appointed as Assessor Grade II in the Helper Time Scale of Pay of Rs.3050 - 4590, who will do the Meter Reading and assessment Works for full month.

b) The Contract Labourers with I.T.I. Qualification in the Traders specified in the Service Regulation of the Board and those with Diploma qualification will be appointed as Helpers - cum -Meter Reader in the time scale of pay of Helpers. They will do the field work and also according to need they will do the Meter Reading and Assessment work.

c) The contract labourers with other qualification or Nil qualification will be appointed as Mazdoor in the Time Scale of Pay of Rs.2570 -3950."

4. The 12(3) Settlement thus came to be approved by this Court. However, a perusal of the order of the Division Bench as well as various other communications to which my attention is drawn would make it clear that the entitlement of this petitioner to the benefit of 12(3) Settlement is to be determined by the authorities and involves adjudication of various facts. Thus, a direction is issued to the Superintending Engineer, General Construction Circle arrayed as R3 to consider the request of the petitioner to the effect that he is entitled for the benefit of the Section 12(3) Settlement, dated 10.08.2007 and adjudicate upon the claim of the petitioner, as per legal notice dated 28.11.2017.

5. The petitioner will be called upon for a personal hearing and speaking order be passed thereafter. Let the exercise be



the copy of this order on the official website of this Court. This Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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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.

To

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ORDER MADE IN
W.P. (MD) .No.6461 of 2018
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NSN (CO)

GC (03.01.2022) 3P 5C