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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2229 OF 2020

1. Savithiri

2. Kannammal

3. Saraswathi

... Petitioners

.Vs.

1. The Chairman,
The Tamil Nadu Generation & Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Personnel),
Tamil Nadu Generation &
Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.

3. The Personnel Officer/Recruitment,
The Tamil Nadu Generation &
Distribution Corporation,
Administrative Branch,
No.144, Anna Salai,
Chennai - 600 002.

4. The Superintending Engineer,
Gobi Electricity Distribution Circle,
The Tamil Nadu Generation &
Distribution Corporation,
Gobichettipalayam,
Erode District.

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus,



calling for the records relating to rejection order in memo No.073864/496/G.56/G,562/2018, dated 18.11.2019 on the file of the 2nd respondent and quash the same and to direct the respondents to absorb the petitioner as regular worker in the light of the order passed in Memo No.081451/1310/G42/G422/2017-1, dated 28.09.2017 on the file of the 2nd respondent and to report the petitioners in the existing vacancy as Full Time regular employee with all attendant benefits instead of part time conservancy workers.

For Petitioner : Mr.V.Elangovan

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

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner in brief:

The petitioners were working as part time Conservancy Worker (sweeper/scavenger) under the 3rd respondent Electricity Distribution Circle. The time limit prescribed for part time conservancy worker is only two hours. The petitioners are working more than five hours and if necessary, petitioners are compelled to work till evening. The petitioners are working in the respondent Corporation for the past 14 years and getting only time scale of pay of Rs.600-10-700-20-1100.

2.01. In the identical circumstances, many persons who were working under the Chief Engineer, Mettur Thermal Power Station-I, as part time sweeper have filed W.P.Nos.25423 and 25433 of 2013 for a direction to absorb them as full time regular employee and this Court passed an order on 09.01.2014, directing the 2nd respondent to consider their representation for absorbing them as full time regular employee.

2.02. Considering their grievance, the 2nd respondent passed an order absorbing the above Part Time Conservancy workers as full time sweeper in Memo No.081451/1310/G42/G422/2017-1 dated 28.09.2017 and Memo No.081415/1310/G42/G422/2017 dated 27.09.2017 in the pay band of Rs.5460-20200 + 1900 Grade pay consequent on the fixation of pay. By applying the above ratio, the petitioners are also entitled to be absorbed as full time



regular employee. Hence the petitioners made a representation to the 2nd respondent on 26.03.2018 requesting the 2nd respondent to absorb them as full time employee on par with other workers. However, no order has been passed by the 2nd respondent till date. Hence the petitioners along with other conservancy workers filed W.P No.15230 and 15231 of 2018 to consider the representation dated 26.03.2018 and the same was disposed of on 25.06.2018 directing the 2nd respondent to consider the petitioners' representation dated 26.03.2018 and pass orders on merits. Despite the aforesaid order, the 2nd respondent has rejected the petitioner's claim without any notice and enquiry on 30.12.2019. Hence the instant writ petition is filed before this Court.

3. The learned counsel appearing for the petitioners would submit that similar writ petitions have been filed before this Court in W.P Nos.16209 and 16214 of 2019 seeking for regularization of service, based on the continuous service rendered in the respondent Corporation. In the aforesaid writ petitions, this Court has taken note of the earlier order passed in W.P No.6007 of 2018 dated 26.06.2018 and based on the aforesaid order, directed the respondents to consider the petitioners representation on par with the relief granted to the similarly placed employees. The petitioner made a representation on the same line and hence, he prays to dispose of the writ petition.

4. The learned Standing Counsel appearing for the respondents would submit that at present, no vacancy is available for considering the request of the petitioners for absorbing them as full time employee in the respondent Corporation.

5. In view of the aforesaid submission and also taking note of the the earlier order passed in the similar writ petitions, on the same line, this Court is inclined to pass the following order:

(i) The impugned order in memo No.073864/496/G.56/G,562/2018, dated 18.11.2019 on the file of the 2nd respondent, is set aside.

(ii) The respondents are directed to consider the petitioner's representation and take appropriate decision, if any vacancy arises in the respondent Corporation in future.



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6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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Corporation, (TANGEDCO),
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The Tamil Nadu Generation &
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Gobichettipalayam,
Erode District.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.23773
+1cc to Mr.S.Doraisamy, Advocate, S.R.No.23750

W.P.NO.2229 OF 2020

SKM(CO)
PBS/28/04/2022