



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15770 of 2015

A.Thangavel

...Petitioner

-Vs-

1.The Chairman,
TANGEDCO, (formerly TNEB)
Anna Salai, Chennai - 2.

2.The Chief Engineer Personnel,
TANGEDCO,
Anna Salai, Chennai - 2.

3.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO Erode.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondent Board to treat that the petitioner joined in the service of the Board from the date of identification as contract labour i.e. on 08.08.1998 for the purpose of terminal benefits and granting pension.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.Anand Gopalan,
for M/s.T.S.Gopalan & Co.

ORDER

The petitioner herein had given representations on 28.01.2015 and 10.05.2015, seeking for consideration of the date of regularization from the date of his identification as Contract Labour, i.e. from 08.08.1998 for the purpose of pension and terminal benefits. Since the said representations were not



considered, the present writ petition has been filed.

2. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representations given by the petitioner dates back to the year 2015, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the third respondent to consider the same, thereby securing the ends of justice.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the third respondent herein, along with copies of the earlier representations dated 28.01.2015 and 10.05.2015, ventilating his grievances. On receipt of such a representation, the third respondent shall consider it and pass appropriate orders in accordance with law, within a period of 3 months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

hvk

To

1.The Chairman,
TANGEDCO, (formerly TNEB)
Anna Salai, Chennai - 2.



2.The Chief Engineer Personnel,
TANGEDCO,
Anna Salai, Chennai - 2.

3.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO Erode.

+1cc to M/s.T.S.Gopalan & CO, Advocate SR.No.25426
+1cc to Mr.B.Manoharan, Advocate SR.No.25598

W.P.No.15770 of 2015

PMK (CO)
CB(02/05/2022)