



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17974 of 2013

A.Ganesan

...Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer Personnel,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
3. The Additional Chief Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Salem - 14.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of 3rd respondent in Letter No.Koo Tha Po/Sa Me Pa Va/Sa/Ni Pi.2/Vu.4/Ko.O.Tho.Ni.Va/No.897/2012, dated 14.08.2012 and quash the same as illegal and consequently direct the respondent to absorb the petitioner in the respondent corporation.

For Petitioner : Mr.M.Chandru for
M/s.K.Sasindran & P.Suresh

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



ORDER

The petitioner herein is aggrieved against the order of the 3rd respondent, dated 14.08.2012, whereby his request for conferment of permanent status was rejected on the ground that he had not put in 240 days of continuous service in 12 calendar months, from the date of engagement of his service.

2. The issue as to whether the petitioner has put in required amount of continuous service, is based on factual aspects and this Court exercising its powers under Article 226 of Constitution of India, will not be justified in adjudicating such factual aspects. If at all the petitioner is of the view that he has put in 240 days or 480 days of continuous service in 12 / 24 months, it is always open to him to invoke the appropriate statutes including the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 or the Industrial Disputes Act, 1947. In this background, this Court would not be justified in interfering with the impugned order.

3. In the light of the above findings, the writ petition is dismissed with liberty to the petitioner to work out his remedies, in accordance with the observations made in this order. No costs.

Sd/-

Assistant Registrar

True Copy//

Sub Assistant Registrar

Pns

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer Personnel,
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3. The Additional Chief Engineer,
Salem Electricity Distribution Circle,
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GMR[co]
NSK 12/04/2022