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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.30470 OF 2011

Bhaarathiya Electricity Employees Federation
Rep. By its State General Secretary
(Regn.No.990/SLM)
No.341, Krishnalaya, Modern Builders Colony 'A',
Kattur, Salem - 636016.

... Petitioner

Vs.

1. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Chairman,
8th floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 2.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
8th floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to include and give continuity of service for the period of temporary service rendered on recruitment as Assessors viz., for the period the respondents claims to be contract of service treated as contract employment and give the benefits of such continuity of service for all purposes including pension and for grant of special and selection grade pay and for all other incidents of service and consequently, direct the respondents not to effect any recovery from the pay or pension of the Assessors by excluding the period of temporary service rendered as Assessors.



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For Petitioner : Mr.R.Murali Krishnan
for Mr.K.Sudalaikannu

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

ORDER

The members of the petitioner/Association is aggrieved against the inaction on the part of the respondents in omitting to count their period of temporary service rendered on recruitment as Assessors and for a consequential pay revision. Pending the writ petition, the respondents have reckoned the temporary service of the members of the petitioner/Association and had also granted the special grade and selection grade of pay to them.

2. It is stated by the petitioner/Association that some of the employees' seniority has been overlooked and their juniors have been promoted.

3. Since the predominant portion of the prayer sought for, has been complied with, the petitioner herein, is granted liberty to make an appropriate representation to the respondents seeking for rectification of the anomaly in the seniorities of the employees. On receipt of such a representation, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of the representation.

In the result, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Sni

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
8th floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 2.



2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
8th floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 2.

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+1cc to M/s.T.S.Gopalan & CO., Advocate, S.R.No.15252

+1cc to M/s.K.Sudalaikannu, Advocate, S.R.No.16185

W.P.No.30470 of 2011

MT(CO)
RLP(29/03/2022)