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W.P. No. 28184 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28184 of 2016

G.Singaiah

... Petitioner

-VS-

The Chairman
Tamil Nadu Electricity Board (TANGEDCO)
Door No. 144, Anna Salai
VIII Floor, Chennai – 600 002.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to consider the Petitioner representation dated 05.10.2015 seeking the benefit of absorption as per B.P. (Chairman) No.9, Administrative Branch dated 09.01.2008.

For Petitioner : Mr. S.Ravi

For Respondent : Mr. Haroon Al Rasheed
For M/s. T.S. Gopalan & Co.



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ORDER

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Heard Mr. S.Ravi, Learned Counsel for the Petitioner and Mr. Haroon Al Rasheed, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondent to consider the representation dated 05.10.2015 made by the Petitioner seeking the benefit of absorption as per B.P. (Chairman) No.9, Administrative Branch dated 09.01.2008.

3. It is accepted by Learned Counsel for both sides that the Division Bench of this Court in ***Superintending Engineer, Nagapattinam -vs- Inspector of Labour*** [(2009) 4 MLJ 472] has earlier considered the claims made by similarly placed persons for absorption in TNEB and has ruled that the same would have to be determined only on the basis of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P. (FB) No. 44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of Tamil Nadu



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Generation and Distribution Corporation Limited (hereinafter referred to as 'TANGEDCO' for short). In a number of subsequent cases that have followed, this Court had reiterated that legal position.

4. In that view of the matter, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the concerned authority of TANGEDCO to examine the claim of the Petitioner for absorption in service in terms of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P. (FB) No. 44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of TANGEDCO, in the following manner:-

- (i) the Petitioner shall submit another copy of his representation dated 05.10.2015 to the Superintending Engineer (South), TANGEDCO, Chennai along with a copy of the same to the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Eighth Floor, Eastern Wing, NPKRR Maligai, 144, Anna Salai, Chennai – 600 002 supported by relevant documents to substantiate his claim for absorption in service, on or before 31.07.2022;



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- (ii) if the concerned authority after the scrutiny of the application is not satisfied with the prescribed requirements or eligibility criteria for extending that benefit to the Petitioner, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 15 clear working days that may be granted for that purpose.
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (iv) the report of compliance shall be filed by 30.09.2022 before the Registrar (Judicial) of this Court.

The Writ Petition is disposed on the aforesaid terms. No costs.

20.06.2022

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Index: Yes/No

Note: Issue order copy by 11.07.2022.



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To

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The Chairman
Tamil Nadu Electricity Board (TANGEDCO)
Door No. 144, Anna Salai
VIII Floor, Chennai – 600 002.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Singaiah,
S/o. G.Ramaiah,
No. 23/44, 3rd Street,
Bharath Nagar,
Ernavoor,
Chennai – 600 057.
3. The Superintending Engineer (South),
Tamil Nadu Generation and Distribution Corporation Ltd.,
No. 144, Anna Salai,
Chennai – 600 002.
4. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
No. 144, Anna Salai,
Chennai – 600 002.



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P.D. AUDIKESAVALU, J.

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