



WEB COPY

W.P.No, 36279 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 36279 of 2016
and
W.M.P. No. 31190 of 2016

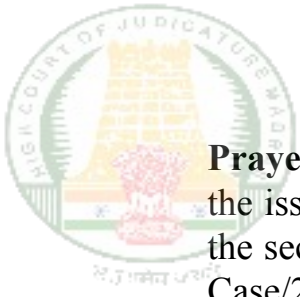
A. Sureshkumar

... Petitioner

Vs.

1. The Chief Engineer (Personnel),
TANGEDCO, Chennai – 600002.
2. The Superintending Engineer,
Electricity Distribution Circle,
TANGEDCO, Mettur Dam -1,
Salem District.
3. The Executive Engineer,
Operation & Distribution,
TANGEDCO, Mettur Dam -1,
Salem District.
4. The Assistant Engineer,
TANGEDCO, Rural Kolathur,
Mettur Taluk,
Salem District.

... Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to order in Lr.No.30956/1246/Ni.Pi./E3/Court Case/2015 dated 31.12.2015 to quash the same and to issue consequential directions to the second respondent to allow the petitioner to join duty as Assessor, Grade II as per order in Memo No. 904/Adm.1(3)/F Assessor/2010 dated 19.06.2010 of the second respondent.

For Petitioner : Ms. C. Sindhuja
for M/S. R. Thamaraiselvan
For Respondents : Mr. Anand Gopalan
for M/S/ Gopalan & Co

ORDER

The rejection of the claim of the writ petitioner to permanently absorb him in respondent TANGEDCO Board services, is under challenge in the present writ petition.

2. The petitioner states that he served as contract labourer in Mettur Electricity Distribution Division, Sankagiri Thottam, Thanner Pandal Palayam, from May 1993 to September 1997. Pursuant to the Board proceedings, the contract labourers were absorbed in the Tamil Nadu Electricity Board in the sanctioned posts in a phased manner.

3. The grievances of the writ petitioner is that he was not absorbed



permanently despite the fact that he is fully qualified for permanent absorption in Electricity Board services. In this regard, the petitioner submitted several representations and the respondents have not issued any reply. Thus, he filed W.P.No. 29939 of 2015 and this Court passed an order on 23.09.2015, directing the authorities to consider the representations and pass orders. Pursuant to the said direction, the order impugned dated 31.12.2015 was issued on the ground that the petitioner remained absent from 13.07.2008 onwards when he was working as contract labourer. That apart, the petitioner took an appointment in Tamil Nadu Transport Corporation as a Driver and he was the permanent employee of the Tamil Nadu Transport Corporation and thus he is not eligible for appointment in Electricity Board services.

4. The learned counsel for the respondents made a submission that no order of appointment was issued to the writ petitioner and his representation was considered and as per the records he did not report for duty from 13.07.2008 onwards when he was working as contract labourer. Thereafter he joined in Tamil Nadu Transport Corporation as Driver and he was a permanent employee in the Transport Corporation and thus the question of considering the case of the writ petitioner for permanent absorption in Tamil



Nadu Electricity Board would not arise at all. That apart, the claim of the writ petitioner is highly belated and now he is working as driver in Tamil Nadu Transport Corporation as a permanent employee and thus the relief as such sought for deserves no merit consideration and accordingly the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Chief Engineer (Personnel),



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S.M.SUBRAMANIAM, J.



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