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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.8832 TO 8835 OF 2014

W.P.No.8832 of 2014

P.Iyyappan

...Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer / Personnel,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Kancheepuram,
Kancheepuram District.

..Respondents

Prayer:

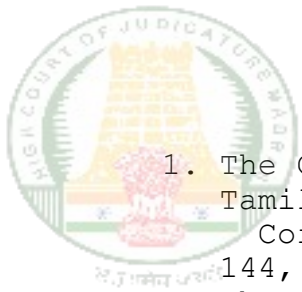
Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the entire record pursuant to the Memo No.013706/316-1/Adm.I/A.3/F.Assr./2014 dated 12.02.2014 and the consequential order in Memo No.EE/O&M/N/KPM/ A1/EPro/2014 dated 21.12.2014 on the file of the 3rd respondent, quash the same.

W.P.No.8833 of 2014

E.Anbu

...Petitioner

Vs.



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1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer / Personnel,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Kancheepuram,
Kancheepuram District.
4. The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
Mathuranthagam,
Chengalpattu.

..Respondents

Prayer:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the entire record pursuant to the Memo No.000610/2927 ADM.I/A.3/F Assr/2014 dated 12.02.2014 on the file of the 3rd respondent, quash the same.

W.P.No.8834 of 2014

B.Ramesh

...Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer / Personnel,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.



3. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Kancheepuram,
Kancheepuram District.

..Respondents

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Prayer:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the entire record pursuant to the Memo No.012432 / 291 / Adm.I / A.3 / F Assr. / 2014 dated 12.02.2014 and the consequential order in Koo.No.SaePoo / E.Pa / Thae / Ka / NeePee / Uoo / 2Co.Assr.Gr.II /2014 dated 05.03.2014 on the file of the 3rd respondent, quash the same.

W.P.No.8835 of 2014

K.Saravanan

...Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer / Personnel,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Kancheepuram,
Kancheepuram District.

..Respondents

Prayer:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the entire records pursuant to the Memo No.012432/291-1/ Adm.I/A.3/F Assr./2014 dated 12.02.2014 and the consequential order in Koo.No.SaePoo / E.Pa / Thae / Ka / NeePee / Uoo / 2Co.Assr.Gr.II /2014 dated 05.03.2014 on the file of the 3rd respondent, quash the same.



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For Petitioners: Mr.G.B.Saravanabhavan
[in all W.Ps]

For Respondents: Mr.P.Subramanian
Standing Counsel
[in all W.Ps]

COMMON ORDER

The issue involved in all the writ petitions are one and the same and hence, they are disposed of by this common order.

2. The relief sought for in W.P.No.8832 of 2014 is to call for the entire record pursuant to the Memo No.013706/316-1/Adm.I/A.3/F.Assr./2014 dated 12.02.2014 and the consequential order in Memo No.EE/O&M/N/KPM/ A1/EPro/2014 dated 21.12.2014 on the file of the 3rd respondent, quash the same.

2.1. The relief sought for in W.P.No.8833 of 2014 is to call for the entire record pursuant to the Memo No.000610/2927 ADM.I/A.3/F Assr/2014 dated 12.02.2014 on the file of the 3rd respondent, quash the same.

2.2. The relief sought for in W.P.No.8834 of 2014 is to call for the entire record pursuant to the Memo No.012432 / 291 / Adm.I / A.3 / F Assr. / 2014 dated 12.02.2014 and the consequential order in Koo.No.SaePoo / E.Pa / Thae / Ka / NeePee / Uoo / 2Co.Assr.Gr.II /2014 dated 05.03.2014 on the file of the 3rd respondent, quash the same.

2.3. The relief sought for in W.P.No.8835 of 2014 is to call for the entire records pursuant to the Memo No.012432/291-1/ Adm.I/A.3/F Assr./2014 dated 12.02.2014 and the consequential order in Koo.No.SaePoo / E.Pa / Thae / Ka / NeePee / Uoo / 2Co.Assr.Gr.II /2014 dated 05.03.2014 on the file of the 3rd respondent, quash the same.

3. The writ petitioners were appointed on Compassionate Grounds due to the death of their father. They were appointed in the post of Assessor Grade-II as Trainees.

4. The learned counsel for the petitioners made a submission that though the petitioners were appointed as Assessor Grade-II, the Board is extracting the work applicable to the Post of Assessor and therefore, the petitioners are entitled to be absorbed as Assessors in the higher Scale of pay. It is further contended that as per the terms and conditions agreed between the Management and workmen in 12 (3) Settlement, the petitioners



are entitled for the relief for appointment to the post of Assessor in the higher scale of pay.

5. When the petitioners themselves have stated that their conditions of service are governed under the 12 (3) Settlement and they are workmen, such disputed issues are to be adjudicated with reference to the documents and evidences before the Labour Court concerned under the provisions of the Industrial Disputes Act. Such an adjudication cannot be done by the High Court in a writ proceedings under Article 226 of the Constitution of India. That apart, the writ petitioners were appointed on Compassionate Appointment in the post of Assessor Grade-II in the time scale of pay applicable to the said post. Beyond that, if the petitioners claim that they are eligible for further post, the same cannot be granted by the writ Court as the initial appointment was on Compassionate grounds, more specifically, appointing the writ petitioners to the Post of Assessor Grade-II. If at all, the conditions agreed in 12 (3) Settlement are violated by the Management, the petitioners have to approach the Labour Court for establishing their case with documents and evidences. Thus, the claim set out in the writ petitions deserve no merit consideration and if the petitioners raise any violation with reference to the terms and conditions of the 12 (3) Settlement, they are at liberty to approach the Labour Court in the manner known to law.

6. With these observations, all the writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.



- +1cc to Mr.P.Subramanian, Advocate, S.R.No.34112

SSD (CO)
PM/21/06/2022