

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25311 of 2014

R.Vijayaprasath

...Petitioner

-Vs-

1. The Chairman,
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 Executive Engineer (CEDC-West),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Shenoy Nagar, Chennai - 600 102.
4. The Assistant Engineer (CEDC-West),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Shenoy Nagar,
Chennai - 600 102.

...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 the 2nd respondent in his proceedings in his Letter No. 109738/852/G.61/G.612/2012-3 dated 10.06.2014 and quash the same as illegal and consequently direct the respondents to appoint the petitioner as Helper in the respondent Corporation.

For Petitioner : Mr.M.Chandru
for Mr.K.Sasindran

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

ORDER

The order rejecting the claim of the writ petitioner for permanent absorption in TANGEDCO service is under challenge in the present writ petition.

2. The writ petitioner states that he joined as Contract Labourer in the Tamil Nadu Electricity Board (TNEB). He was working at various places in Maduravoyil Division, Anna Nagar Division, Chetpet Office and Shenoy Nagar Office. He states that he was continuously working as Contract Labourer in different divisions of TNEB. The Board regularized the services of Contract Labourers in a phased manner and the petitioner submitted his representation dated 23.08.2005 to absorb him on permanent basis in the time scale of pay. The case of the petitioner was rejected on the ground that the petitioner had not worked at TANGEDCO and TANTRANSCO, even as TCL in Construction Section. Further, the petitioner had not produced any documents to satisfy that he had worked continuously in the Operations and Maintenance works at TANGEDCO.

3. The counter affidavit filed by the Assistant Engineer also reveals that the case of the petitioner was considered with reference to 12(3) Settlement, dated 10.08.2007 and as per the proceedings issued by the TANGEDCO in B.P.No.44 dated 06.09.2007 for absorption of Contract Labourers in the Board services in a phased manner. When the petitioner has not produced any documents to establish his services, his case was not considered.

4. This Court is of the considered opinion that disputed facts regarding the service records of the petitioner cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. The respondents state that the petitioner had not worked in the Board's services nor he had produced any documents to establish his services. Therefore, they could not be able to consider his case based on 12(3) Settlement and the board proceedings issued in B.P.No.44, dated 06.09.2007.

5. This being the factum established, the petitioner is at liberty to approach the competent authority for the purpose of adjudication of factual disputes based on the documents and evidences.

6. With the above liberty, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Chairman,
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 Executive Engineer (CEDC-West),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Shenoy Nagar, Chennai - 600 102.
4. The Assistant Engineer (CEDC-West),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Shenoy Nagar, Chennai - 600 102.

+1cc to Mr.K.Sasindran, Advocate, S.R.No.40895

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.40552

W.P.No.25311 of 2014

AJB[co]
NSK/15/07/2022