



W.P.No.3023 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3023 of 2017

and

W.M.P.No.2922 of 2017

D.Ruban Chakaravarthy

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to appoint the petitioner herein in the post of Assistant Engineer (Electrical) in the respondent Board.



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For Petitioner : M/s.Poornima

For Respondents : Mr.Haroon Al Rasheed
for M/s.T.S.Gopalan & CO

ORDER

The relief sought for in the present writ petition is to direct the respondents to appoint the petitioner herein in the post of Assistant Engineer (Electrical) in the respondent Board.

2. Appointment to the post of Assistant Engineer (Electrical) is to be made strictly in accordance with the rules in force.

3. The petitioner joined as a contract labourer in the Respondent Board on 30.11.2004. Based on the order of the Inspector of Labour, which was merged with the order of the Hon'ble Division Bench of this Court dated 24.10.2008, the petitioner was permanently absorbed in the post of Helper in the Tamil Nadu Electricity Board.



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4. The contention of the petitioner is that the permanent absorption ought to have been granted from the date of initial appointment as contract labourer.

5. The issues regarding permanent absorption was adjudicated both before the Inspector of Labour and before the Hon'ble Division Bench of this Court and pursuant to the order of the Hon'ble Division Bench of this Court, the petitioner was regularized in terms of the settlement dated 10.08.2007.

6. Pursuant to the order of the Hon'ble Division Bench of this Court, the petitioner was permanently absorbed in the Respondent Board's services. Accordingly, the services of the writ petitioner were regularized from the date of joining in regular post of helper in the Tamil Nadu Electricity Board.

7. Now, the petitioner cannot seek retrospective regularization or promotion based on his initial date of appointment as contract labourer, which cannot be considered. The claim of the writ petitioner that he was fully qualified for appointment to the post of Assistant Engineer (Electrical) cannot



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be a ground to appoint the petitioner in the said post. If at all, the petitioner wants to join as the Assistant Engineer (Electrical), he has to participate in the process of selection, if any, recruitment notification is issued by the competent authorities of the Respondent Board.

8. Contrarily, he cannot seek appointment to the post of Assistant Engineer (Electrical), merely based on his contract services and from the initial date of his appointment as a contract employee. Such relief sought for is absolute misconceive and therefore, the relief as such sought for cannot be granted.

9. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2022

Index: Yes/No
Speaking order/Non-speaking order
rgm/nti



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To

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S.M.SUBRAMANIAM, J.

rgm/nti

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