



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 27086 of 2019

V.Arivarasan

... Petitioner

Vs.

1. The Chief Engineer (Personnel),
Tamil Nadu Power Generation and
Distribution Corporation (TANGEDCO),
(Formerly called as Tamil Nadu Electricity Board),
Chennai.

2. The Superintending Engineer,
Thanjavur Electricity Distribution Circle,
Tamil Nadu Power Generation and
Distribution Corporation (TANGEDCO),
(Formerly called as Tamil Nadu Electricity Board),
Thanjavur.

3. The Assistant Executive Engineer,
Tamil Nadu Power Generation and
Distribution Corporation (TANGEDCO),
(Formerly called as Tamil Nadu Electricity Board),
Orthanadu, Thanjavur.

4. The Assistant Engineer (Operation and Maintenance),
Tamil Nadu Power Generation and
Distribution Corporation (TANGEDCO),
(Formerly called as Tamil Nadu Electricity Board),
Pattukottai,
Thanjavur District

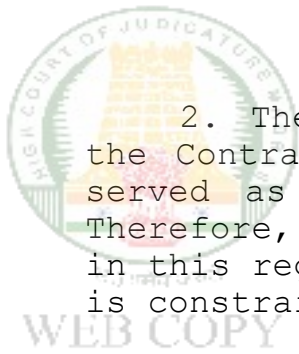
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the first respondent in his letter No.023006/168/G61/G611/2018-2 dated 12.12.2018 and quash the same and consequently, direct the respondents herein to forthwith absorb the petitioner on permanent basis.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.T.S.Gopalan

O R D E R

The order of rejection dated 12.12.2018 for grant of permanent absorption is under challenge in the present Writ Petition.



2. The petitioner was appointed as a Contract Labourer under the Contractor engaged by TANGEDCO. The petitioner states that he served as a Contract Labourer for considerable length of time. Therefore, his services are to be regularised and the request made in this regard was rejected by the respondents. Thus, the petitioner is constrained to move the present Writ Petition.

3. The learned counsel appearing on behalf of the respondents brought to the notice of this Court that the issues in the present Writ Petition are no more *res integra* and elaborately considered and decided by this Court in W.P. No. 25429 of 2019 etc., batch dated 23.10.2019 and relevant paragraphs are extracted hereunder:

"11. In para 27 of the above judgment, the Hon'ble Supreme Court held that the reference, even if made to examine the issue of absorption of the appellants in the services of BCCL, the same was misconceived. Thus, the disengagement which was effected in the year 2007-08 would not provide any right for claiming right of absorption after this length of time and after the provisions of Section 2A of the I.D. Act was amended, prescribing the limitation period for raising an industrial dispute which also expired long back in the present case.

12. This being the circumstances of the case, the reasons stated in the impugned order are candid and convincing. In the absence of establishing any right for the absorption within the prescribed time and with reference to the criterias as fixed in the 12(3) Settlement as well as in the Board Proceedings in B.P. No. 9, Administration Branch, dated 09.01.2008, this Court cannot grant the benefit of permanent absorption in violation of the recruitment rules and as per the one time scheme issued pursuant to the recommendations of Hon'ble Justice Khalid Committee. The writ petitions are devoid of merits and the same are therefore dismissed. No costs."

4. In view of the judgment cited supra, the petitioner has not entitled for the relief as sought for in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)



+1 CC to M/s.P.MALINI, Advocate (SR-6991[F]
dated 18/02/2022)

**W.P. (MD) No. 27086 of 2019
17.02.2022**

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