



WEB COPY



W.P.Nos.16851 to 16872 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.16851 to 16872 of 2012 and
MP.No.2 of 2012(22 Nos.)

WP.No.16851 of 2012

K.Paramasivam

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamilnadu Electricity Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai 600 002
 - 2.The Chief Engineer, Personnel,
Tamilnadu Electricity Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai 600 002
 - 3.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamilnadu Electricity Generation and Distribution Corporation Ltd.,
Salem
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the first respondent's (Per) FB TANGEDCO Proceedings No.15 dated 03.09.2011 and the order made in Memo



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No.06406/158/G57/G572/2011 – 7 dated 29.11.2011 (insofar as the petitioner is concerned in both orders dated 03.09.2011 & 29.11.2011) issued by the second respondent and the consequential order passed by the third respondent made in Memo No:SE/SEDC/Slm/Adm.II/A4/F.Hr/PR.No.912/2011-3 dated 05.12.2011 and quash the same insofar as the temporary basis and training period of two years are concerned as illegal and violation of the order dated 11.12.2009 & 07.12.2010 passed by this Court in WP.No.4217 & 4218 of 2009 and WP.No.5757 & 3605 of 2000 respectively and consequently direct the respondents to provide all service and monetary benefits to the petitioner from the date of 29.11.2011 in the post of Helper.

For Petitioner
in all WP's : Mr.G.Ananda Kumar

For Respondents
in all WP's : Mr.K.Rajkumar,
Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the board proceedings of the first respondent dated 03.09.2011 and the



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consequential orders passed by respondents 2 & 3 insofar as appointment to the post of Helper(Trainee) instead of Helper as directed by this Court.

2. The petitioners are ITI holders and they had undergone Apprenticeship training for one year period at the respondents / Board. The respondents / Board issued board proceedings in BP.No.242 dated 26.06.1984 thereby had given preference in the matter of appointment to the apprentice those who had undergone apprenticeship in the respondents / Board. However, the respondents / Board had withdrawn the said proceedings by another proceedings dated 13.09.1988 in BP.No.69 dated 13.09.1988. Therefore, the apprentices challenged the board proceedings in BP.No.69 dated 13.09.1988 before this court and all the writ petitions were allowed, thereby directed the respondents / Board to absorb them by giving preference to the apprentices who joined apprenticeship training before cut off date i.e. 13.09.1988. The respondents / Board did not file appeal as against the said order and absorbed only 26 persons. Therefore, the petitioners filed writ petitions for direction to absorb them who joined apprenticeship training before



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13.09.1988 in WP.Nos.4217 and 4218 of 2009. Both the writ petitions were allowed by this Court by order dated 11.12.2009 thereby directed respondents 1 and 2 to appoint them as Helper within a period of four weeks from the date of the order. The respondents / Board filed appeal and the same was also dismissed by the Hon'ble Division Bench of this Court in WA.Nos.1596 and 1597 of 2010 by order dated 16.11.2009. Even then, respondents 1 and 2 failed to appoint the petitioners and as such, they were constrained to file a contempt petition. While pending the contempt petition, the respondents issued board proceedings in BP.No.15 dated 03.09.2011 stating that "Accordingly, 169 persons shall be provisionally be appointed to the post of Helper(Trainee) in Regular Work Establishment category on temporary basis to the Tamil Nadu Electricity Generation and Distribution Corporation for a period of two years under Regulation 106 of Tamilnadu Electricity Board Service Regulation and for a consolidated wages of Rs.3,250/- per month. It was recorded and contempt petition was closed. However, the petitioners were given liberty to challenge the two years training period.



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3. On perusal of the counter filed by the respondents revealed that after completion of the said two years training period, they will come under regular category with time scale of pay.

4. Admittedly, all the petitioners completed their apprenticeship before cut off date i.e. 13.09.1988. Therefore, after considering their apprenticeship, they were ordered to be appointed in the post of Helper. Even then, the respondents appointed the petitioners only to the post of Helper(Trainee), that too for a period of 2 years on temporary basis. Though after 2 years, their services were regularised with time scale of pay, they lost their two years service as Helper and also there was monetary loss to them.

5. In view of the above fact, the impugned board proceedings dated 03.09.2011 passed by the first respondent and the consequential orders passed by respondents 2 and 3 herein are quashed insofar as the training period of 2 years. The respondents are directed to treat the petitioners' services as Helper from the date of their appointment with all



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monitory and service benefits. Accordingly, all the writ petitions are allowed. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Tamilnadu Electricity Generation and Distribution Corporation Ltd.,
Salem
4. The Government Advocate,
High Court, Madras.

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