



W.P.No.30586 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM:

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

W.P.No.30586 of 2015 and
MP.No.1 of 2015

K.Sivaprasath

... Petitioner

Vs.

1.Neyveli Lignite Corporation Limited,
Represented by the Chief General Manager(HR),
HR Department, Neyveli-607 801
Cuddalore District, Tamilnadu

2.The Deputy Chief Commissioner,
Court of the Chief Commissioner for Pension
With diasbilities,
Ministry of Social Justice and Empowerment,
Department of Disability Affairs,
Sarojini Houe, Near
6, Baghavan Das Road,
New Delhi 110 001

3.The Deputy General Manager(HR),
Recruitment Cell,
Human Resources Department,
Corporate Office,
NLC Limited,
Block 01, Neyveli 607 801
Tamilnadu

... Respondents



W.P.No.30586 of 2015

PRAYER:

Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to absorb the petitioners in the first respondent's Corporation in a clerical or Managerial cadre in preference to all others as he has worked for more than 17 years as a Contract Worker in Mine 1 with effect from the date of his initial engagement as a Contract Worker with all monetary service benefits.

For Petitioner : Mr.Arvinth Viveks.P.A.
for Mr.M.Srividhya

For Respondents
For R1 : Mr.F.M.Benjamin George

ORDER

This writ petition has been filed for direction directing the first respondent to absorb the petitioner in a clerical or managerial cadre in preference to all others as he has worked for more than 17 years as a Contract Worker in the Mine IA.

2. The petitioner is working as Contract Labour in Mine IA under the first respondent. The petitioner and others were fighting for absorption of contract workers and on the basis of their seniority. They also filed writ petition in WP.No.8 of 1996 and it was allowed by order



W.P.No.30586 of 2015

dated 15.05.2005. The first respondent filed writ appeal and the same was also dismissed and confirmed the order passed by the learned Single Judge of this Court. It was also challenged before the Hon'ble Supreme Court of India and confirmed the order passed by this Court and directed the first respondent to draw a seniority list of contract employees with reference to their date of entry into service in Neyveli Lignite Corporation. Accordingly, seniority list was drawn and the petitioner was placed at serial No.5987. However the petitioner has not been absorbed and was not regularised so far. That apart, the petitioner is a disabled person and as per the enactment called disability(Equal opportunities, protection of Rights and full Participation) Act, 1995 which makes 3% reservation for the physically handicapped candidates in the matter of appointment to Government and Quasi Government posts. Though the petitioner made repeated representations to the first respondent, so far they were not considered by the first respondent.

3. On perusal of counter filed by the first respondent, revealed



W.P.No.30586 of 2015

that as directed by the Hon'ble Supreme Court of India, the vacancies that arose in unskilled category were notified for absorption and they were filled up following the seniority list. However, the petitioner is ranked in the seniority list at Sl.No.5897. The regularisation of the contract workmen is done on the basis of the common seniority submitted before the Hon'ble Supreme Court of India and in accordance with procedure thereunder. Therefore, as and when vacancy arises, the first respondent is ready to fill up the vacancies following the seniority list and the case of the petitioner also will be considered on merits as per the seniority list.

4. Considering the above facts and circumstances of the case, the first respondent is directed to consider the petitioner's regularisation as per the seniority list and also under reservation for persons with disabilities. It is also made clear that the petitioner is at liberty to participate in the special recruitment for physically disabled persons subject to his qualification.

5. With the above direction, this writ petition is disposed of.



W.P.No.30586 of 2015

Consequently, connected miscellaneous petition is closed. There shall be
no order as to costs.

26.07.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok

To

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Block 01, Neyveli 607 801
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4. The Government Advocaote,
Madras High Court



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W.P.No.30586 of 2015

G.K.ILANTHIRAIYAN, J.

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WP.No.30586 of 2015

26.07.2023