



WEB COPY



W.P.No.17022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17022 of 2023

- 1.S.Krishnamoorthy
- 2.K.Arumugam
- 3.P.Manavalan
- 4.P.Kathavarayan
- 5.K.Elavarasu
- 6.G.Arumugam
- 7.M.Paneerselvam
- 8.R.Mohan
- 9.G.Munusamy
- 10.P.Lakshmanan
- 11.E.Muthu
- 12.C.Ettiyappan
- 13.A.Filex
- 14.M.Thirumaran
- 15.S.Murugan
- 16.K.Doraisamy
- 17.Pandiyan
- 18.Mohan Kumar

...Petitioners

Vs

- 1.The Chairman cum Managing Director,
TANGEDCO,
800, Anna Salai,
Chennai – 600 002.



W.P.No.17022 of 2023

2.The Chief Engineer [Personnel],
TANGEDCO,
800, Anna Salai,
Chennai – 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents namely the Chairman cum Managing Director, TANGEDCO, 800, Anna Salai, Chennai – 600 002, the first respondent and the Chief Engineer [Personnel], TANGEDCO, 800, Anna Salai, Chennai – 600 002, the second respondent herein to taken into account the period of service rendered by the petitioners in the erstwhile Vandhavasi Rural Electric Co-operative Society or in the alternate atleast from 06.04.2002 on which date the petitioners became the Board employees namely for fixation of their seniority with all attendant benefits like seniority etc. as claimed by the petitioners 1 to 16 in their representation dated 07.01.2023 and in the reminder dated 28.01.2023 and petitioners 17 and 18 in their representation dated 29.01.2023.

For Petitioners : Mr.S.Elamurugan

For Respondents : Mr.K.Rajkumar
Standing Counsel for TANGEDCO



WEB COPY



W.P.No.17022 of 2023

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this Writ Petition is for a direction to the respondents to regularize the services of the petitioners, together with consequential attendant benefits. In this regard, the petitioners 1 to 16 had given a representation on 07.01.2023 and the petitioners 17 and 18 had given a representation on 29.01.2023. The said representations have not been considered by the respondents till date. Hence, the petitioners have preferred the present Writ Petition.

3. The learned Standing Counsel for the respondents submitted that the petitioners herein had belatedly approached this Court, after a lapse of 21 years.

4. I am not in appreciation of such an objection. The limited relief which is being sought for in this Writ Petition is on account of dereliction



W.P.No.17022 of 2023

WEB COPY

of duty on the part of the respondents in having failed to consider the petitioners' representations in time. If the respondents were of the view that the petitioners have belatedly approached, they ought to have rejected the representations instead of keeping the same pending indefinitely. Such dereliction of duty would empower this Court to invoke its powers under Article 226 of the Constitution of the India and thereby direct them to consider the petitioners' request.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioners' representations dated 07.01.2023 and 29.01.2023, in the light of the proceedings in Per.B.P.(FB) No.31, dated 20.09.2005, and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioners and that it is open to the concerned respondent to consider the same on its own merits.



W.P.No.17022 of 2023

WEB COPY

6. With the above direction, the Writ Petition stands disposed of.

No costs.

08.06.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Chairman cum Managing Director,
TANGEDCO,
800, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer [Personnel],
TANGEDCO,
800, Anna Salai,
Chennai – 600 002.



WEB COPY



W.P.No.17022 of 2023

M.S.RAMESH,J.

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W.P.No.17022 of 2023

08.06.2023