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W.P.No.28050 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.28050 of 2012
and M.P.No.1 of 2012

S.Savarimuthu

... Petitioner

Vs.

1.Tamil Nadu Electricity Board,
Represented by its Chairman,
No.800, Annasalai,
Chennai – 2.

2.The Chief Engineer,
Tamil Nadu Electricity Board,
Vellore, Vellore District.

3.The Superintending Engineer,
Office of the Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.

4.The Executive Engineer O & M,
Tamil Nadu Electricity Board,
Hosur, Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 16.08.2012 for

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regularization and regularize the services of the petitioner.

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For Petitioner : Mr.K.P.Mohan Balaji

For Respondents : Mr.S.Haroon
for M/s.T.S.Gopalan & Co.,

ORDER

The claim of the petitioner is to direct the first respondent to consider the representation of the petitioner dated 16.08.2012 for regularization and regularize the services of the petitioner.

2. The case of the petitioner is that the petitioner viz., S.Savarimuthu joined the service of the respondent as a contract labour in the year 1991 and he has working as a contract labour for more than 20 years. This being so, in the year 1997, the fourth respondent sent a list of employees who were working as a contract labour to the third respondent for the purpose of regularizing them in the post of Mazdoor and for the same, the petitioner's name also forwarded to the third respondent. Even though, the petitioner has qualified, he was not chosen for the said post. Subsequently, in the year



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2010, the first respondent called for filling up 23,000 vacancies for the post of Mazdoor with a qualification of completion of 5 years of service as contract labour. The petitioner who has completed 10 years of service as a contract labour applied for the same, however, he has not been regularized by the first respondent.

2.1. Further the petitioner sent a representation dated 15.02.2010 to the respondents, however, the same was not considered. Therefore, the petitioner has filed a writ petition before this Court in W.P.No.6467 of 2010 for regularization and regularize his service and this Court by its order dated 12.04.2010 disposed of the writ petition, by way of common order with a direction to the first respondent to dispose of the petitioner's representation dated 15.02.2010. Even thereafter, the aforesaid order was not complied by the respondents. Hence, the petitioner sent another representation dated 09.08.2010 to the respondent, but, there was no response.

2.2. In the year 2012, the first respondent called for filling up vacancies for the post of Mazdoor and preference has given to the contract labours who



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have been working more than 5 years continuously and not less than 10 years in the respondent Board. In the year 2010 itself, the petitioner's name was forwarded to the first respondent. So, the petitioner has sent another representation dated 16.08.2012 to the respondents to regularize his service, which is still pending. In order to consider the same, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner submitted that liberty may be granted to the petitioner to file a fresh representation before the first respondent within a stipulated time that may be fixed by this Court.

4. The learned counsel appearing for the respondents submitted that he has no objection for the said order being passed by this Court.

5. Considering the above facts and circumstances of the case and the limited request sought for by the learned counsel for the petitioner, this Court without going into the merits of this case, issues the following directions:

(i) petitioner is directed to give a fresh representation before the first



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respondent within a period of two weeks i.e., on or before 05.04.2023.

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(ii) on receipt of such representation, the first respondent is directed to consider the same on merits and in accordance with law, within a period of four weeks thereafter.

6. With the aforesaid directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Annasalai,
Chennai – 2.

2.The Chief Engineer,
Tamil Nadu Electricity Board,

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Vellore, Vellore District.

3.The Superintending Engineer,
Office of the Superintending Engineer,
Tamil Nadu Electricity Board,
Dharmapuri.

4.The Executive Engineer O & M,
Tamil Nadu Electricity Board,
Hosur, Krishnagiri District.

J.SATHYA NARAYANA PRASAD,J.

vm

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