



W.P.(MD)Nos.2110 & 2111 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.2110 & 2111 of 2023

R.Murugaiah ... Petitioner in W.P.(MD)No.2110 of 2023

L.Muthusamy ... Petitioner in W.P.(MD)No.2111 of 2023

Vs.

1.The Chairman
Tamil Nadu Generation and Distraction Corporation Limited,
TANGEDCO,
Mount Road,
Chennai.

2.The Chief Engineer (Personnel - Chennai G58),
Tamil Nadu Generation and Distraction Corporation Limited,
TANGEDCO,
Mount Road,
Chennai.



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3.The Superintending Engineer

Tamil Nadu Generation and Distractive Corporation Limited,
TANGEDCO,
Trichy Distribution Circle,
Trichy Corporation,
Trichy District.

4.The Executive Engineer

(Operation and Maintenance),
Tamil Nadu Generation and Distractive Corporation Limited,
TANGEDCO,
Manapparai,
Trichy District.

.. Respondents in both writ petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in his proceedings in Letter No.309/Ni.Pi.4/Vu.2/Ko.O.Tho/2022, dated 26.12.2022 and quash the same as arbitrary and illegal and consequently direct the respondents to absorb the petitioner in the respondents corporation in any suitable post.

In both writ petitions

For Petitioners : Mr.B.Prahalad Ravi

For Respondents : Mrs.M.Parameswari

Standing Counsel



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COMMON ORDER

Since the issue arises in both the writ petitions are one and the same, accordingly these writ petitions are taken up together and disposed of by this common order.

2. The learned counsel appearing for the petitioners submitted that the petitioners worked as Contract Labourers with the fourth respondent Electricity Division till 2005 continuously without any break. After completion of several years, they made a representation to the authority for regular absorption, however, the same was rejected by the Committee and the Committee's rejection order was communicated through the impugned order to the petitioners. Challenging the same, these writ petitions are filed.

3. The learned counsel appearing for the petitioners further submitted that the Committee was appointed to consider whether the petitioners continued to be in employment for more than 480 days, however



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the committee mechanically rejected the same, which is not sustainable one.

Accordingly, he prayed for appropriate orders.

4. Mrs.M.Parameshwari, learned Standing Counsel appearing for the respondents submitted that petitioners claim was rejected twice, however, without approaching the appropriate forum, the writ petitioners have filed the present writ petitions and further, the issue that arose in these writ petitions consists of disputed question of facts, which cannot be decided by this Court. Accordingly, she prayed for dismissal of these writ petitions.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioners have repeatedly made representation for regularization and absorption and for payment of salary. However, the said application was rejected. As rightly submitted by the learned Standing Counsel for the



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respondents that the issue arises in these writ petitions consists of disputed question of facts, which cannot be decided by this Court sitting under Article 226 of the Constitution of India. Whether the petitioners are in continuous employment for more than 480 days, has to be decided only by the competent forum. Hence, the prayer sought for in these writ petitions cannot be granted.

7. Accordingly, these writ petitions are dismissed. However, liberty is granted to the petitioners to work out their remedy before the competent forum, in the manner known to law, if so advised. No costs.

02.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

Note : Registry is directed to return the original impugned orders to the petitioners to enable them to work out their remedy, after substituting the same with xerox copy.



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To
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M.DHANDAPANI,J.

RM

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