



W.P.(MD).No.18547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18547 of 2023

D.Palanivel

... Petitioner

Vs.

1.Tamil Nadu Generation of Electricity
and Distribution (TANGEDCO),
Represented by its Chairman,
No.144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer (Personnel) TANGEDCO,
No.144, Anna Salai,
Chennai-600 002.

3.The Chief Engineer (Distribution),
Trichy Region,
TANGEDCO,
Thennur,
Trichy-620 017.

4.The Superintending Engineer (Distribution),
Pudukkottai Distribution Circle,
TANGEDCO,
Pudukkottai,
Pudukkottai District.

... Respondents



W.P.(MD).No.18547 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 17.05.2023 to reinstate the petitioner to service in the minimum time scale for a period of 3 years without back wages in the light of the 1st respondent's proceedings in B.P.(F.B.) No.27 (Administrative Branch) dated 07.11.2002 and the Judgment of this Court in WP(MD).No.13474 of 2013 dated 18.11.2021, within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Balumahendran

For Respondents : M/s.M.Parameshwari
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 17.05.2023 to reinstate the petitioner to service in the minimum time scale for a period of 3 years without back wages in the light of the 1st respondent's proceedings in B.P. (F.B.) No.27 (Administrative Branch) dated 07.11.2002 and the Judgment of this Court in WP(MD).No.13474 of 2013 dated 18.11.2021, within the period that may be stipulated by this Court.



W.P.(MD).No.18547 of 2023

2. In the year 1989, the petitioner joined in the 4th respondent office as contract labourer. On the basis of the recommendation of Justice.V.Kalid Committee, all the contract labourers were taken into regular service. Hence, the petitioner was called for identification on 03.09.1997. He appeared on 20.09.1997 and produced all the certificates in response to the said identification calling letter, dated 03.09.1997. The petitioner was also duly given with the certificate with identification by Assistant Engineer, Construction of the Tamil Nadu Electricity Board. Thereafter, the petitioner was appointed as Helper and placed on probation. He completed his probation successfully on 07.06.1999. While so, the petitioner was transferred from 3rd respondent Distribution Circle to the 4th respondent Distribution Circle. However, without considering the genuineness of the certificates produced by him, he was removed from service. As against the same, the petitioner preferred an appeal before the 2nd respondent. However, the 2nd respondent rejected the petitioner's appeal on 13.04.2005. The petitioner made a representation on 17.05.2023 to the respondents seeking reinstate to service. Since the same was not considered, this writ petition came to be filed.



W.P.(MD).No.18547 of 2023

WEB COPY

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. Without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation, dated 17.05.2023 in accordance with law. Accordingly, this Writ Petition stands disposed of. No costs.

01.08.2023

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

gbg



W.P.(MD).No.18547 of 2023

WEB COPY

To

- 1.The Chairman,
Tamil Nadu Generation of Electricity
and Distribution (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer (Personnel) TANGEDCO,
No.144, Anna Salai,
Chennai-600 002.
- 3.The Chief Engineer (Distribution),
Trichy Region,
TANGEDCO,
Thennur,
Trichy-620 017.
- 4.The Superintending Engineer (Distribution),
Pudukkottai Distribution Circle,
TANGEDCO,
Pudukkottai,
Pudukkottai District.



WEB COPY



W.P.(MD).No.18547 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.18547 of 2023

01.08.2023