



W.P.(MD)No.6168 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6168 of 2017

and

W.M.P.(MD)No.4850 of 2017

A.Chandrabose

... Petitioner

vs.

1.The Chairman cum Managing Director,
TANGEDCO,
N.P.K.R.R. Maligai,
144, Anna Salai, Chennai-2.

2.The Chief Engineer (Personnel),
TANGEDCO,
N.P.K.R.R. Maligai,
144, Anna Salai, Chennai-2.

3.The Superintendent Engineer,
TANGEDCO,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in his letter in Ka.No.



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05748/207/Nibi2/Assistant 1/Ko.o.Na/2016-1, dated 23.07.2016 and to quash the same as illegal and in consequence thereby to direct the respondent to provide employment to the petitioner as per the award passed by the Inspector of Labour, Trichy.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the letter, dated 23.07.2016 of the 3rd respondent and in consequence thereby to direct the respondent to provide employment to the petitioner as per the award passed by the Inspector of Labour, Trichy. The impugned order, dated 23.07.2016, states that after the disposal of the writ petition W.P.No.23515 of 2001, dated 15.12.2010, the petitioner was directed to submit an application, but the petitioner has not utilized the opportunity, therefore, at this stage, the petitioner's candidature cannot be processed and grant any absorption order.



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2. The brief facts of the case is that the petitioner and similarly placed persons were employed as contract labourer in the Thirumayam, Rural Electric Co-operative Society Limited (subsequently taken over by the Tamil Nadu Electricity Board) from 01.04.1995. The petitioner has completed 480 days of work on 01.04.1997. Since several employees were not absorbed, 44 employees approached the Inspector of Labour, wherein an order dated 27.07.2001 was passed, directing the respondents to grant permanent job as per the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The Special Officer of Thirumayam, Rural Electric Co-operative Society Limited, challenged the order of the Inspector of Labour in W.P.No.23515 of 2001 and this Court, vide order, dated 15.12.2010, dismissed the claim of the Society. After the dismissal of the above said writ petition, the 3rd respondent, vide letter, dated 20.06.2015, directed the employees to submit application for employment in order to process the same. The respondent had also directed the petitioner to submit application for

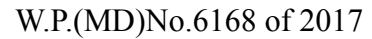


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employment. Because the petitioner was employed in Thanjavur during that time when the 3rd respondent issued letter, the petitioner did not receive the same and respond to the call letter. Subsequently, through his neighbour, the petitioner came to know that the 3rd respondent has issued a letter. Immediately, the petitioner submitted a representation, dated 31.05.2016, to the 3rd respondent. The 3rd respondent without appreciating the facts and legal aspects has dismissed the petitioner's claim through the impugned order. Hence, the present writ petition is filed.

3. The contention of the respondents is that the Inspector of Labour has passed an order on 27.07.2001 itself. But the petitioner has not taken any steps to implement the said order and has also not request the respondent to grant the job as stated in the order. But the respondents have taken steps to implement the order of the Inspector of Labour, after the disposal of the writ petition. It is pertinent to state that even before



4. It is seen that the petitioner was granted opportunity two times, but the petitioner had lost the bus twice and hence cannot be granted an opportunity again. When the respondents initiated the process to absorb



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them, the petitioner ought to have availed the opportunity. Moreover, the petitioner has not taken any independent steps to implement the order of the Inspector of Labour. At least after the disposal of the writ petition in the year 2010, the petitioner should have initiated action to implement the award. After being silent for so many years, the petitioner cannot come up with this writ petition, more so when all the similarly placed persons were absorbed in service. Because of delay and laches, the petitioner cannot claim absorption. The petitioner is banking upon the steps taken by the respondents for absorption, without taking independent steps. The 44 employees were absorbed and the absorption took place in the year 2007 itself. The petitioner did not approach the respondents independently to absorb him or to implement the order of Inspector of Labour. When the respondents initiated proceeding again for absorption for the left-out persons, the petitioner did not appear, in spite of notice received by him. The petitioner cannot make the respondents to wait endlessly and again come forward for regularization or absorption.



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The Court would come to the rescue of the individuals who are vigilant on their rights and not to persons who have slept over their rights. Therefore, the petitioner has lost his right. Hence, this writ petition cannot be entertained.

5. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

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Internet : Yes

NCC : Yes / No

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai-9.
- 2.The Director of Town Panchayat,
Panchayat Administrative Office Campus,
No.7 & 8 Floor,
Raja Annamalaipuram,
Chennai-28.



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S.SRIMATHY, J

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