



WEB COPY

W.P.No.29057 of 2010
and M.P.No.1 of 2010



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29057 of 2010
and M.P.No.1 of 2010

1.S.Kandasamy (deceased)
2.K.Janaki
3.K.Ananthakumar
4.K.Ashok Kumar
5.A.Anitha ... Petitioners
[P-2 to P-5 - substituted as LR's of the deceased P1 as per order dated
23.01.2014 in W.M.P.No.36276 of 2023 in W.P.No.29057 of 2010]

versus

- 1.The Chairman,
Tamil Nadu Electricity Board Limited,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer, Personnel,
Tamil Nadu Electricity Board Limited,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Salem.



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4.The Executive Engineer,
Operation & Maintenance, TANGEDCO.,
Salem / South,
Salem - 2.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent made in letter No.024863/NiPi2/Vu 4/Ka Thani / 10 dated 29.11.2010 and quash the same as illegal and without jurisdiction and consequently direct the respondents 2 to 4 to permit the petitioner to join duty as per the reposting order issued by the fourth respondent made in Say / Po / E.Pa / Thae / Say/Udavi 1/Ka.O.Tho/No.1398/07 dated 08.09.2007 by granting all monetary and service benefits from the date of his appointment i.e. 08.09.2007.

For Petitioners : Mr.G.Ananda Kumar

For Respondents : Mr.Anand Gopalan
for Mr.T.S.Gopalan

ORDER

The first petitioner has filed this writ petition challenging the order of the third respondent dated 29.11.2010 and a direction to the respondents 2 to 4 to permit the first petitioner to join duty as per the appointment order dated 08.09.2007 and grant all monetary and service benefits. During the pendency of the proceedings, the first petitioner died and his legal heirs have been impleaded as petitioners 2 to 5.



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2. Heard Mr.G.Ananda Kumar, learned counsel for the petitioner and Mr.Anand Gopalan, learned counsel for the respondents and perused the materials available on record.

3. Mr.G.Ananda Kumar, learned counsel for the petitioners submitted that the deceased first petitioner is very much entitled to be absorbed as a regular employee in pursuant to the board proceedings. In fact, the deceased first petitioner claims that he has been given an order of appointment on 08.09.2007 in accordance with the board proceedings, but subsequently he was not allowed to work. Hence, the deceased first petitioner had given another representation, but the same was rejected, stating that he was not in continuous employment from 18.10.2006 to 05.09.2007.

4. In fact, if the deceased first petitioner's appointment order dated 08.09.2007 is true, then the impugned order, which is in direct contradiction to its earlier order of appointment, will not stand. However, the learned counsel for the respondents submitted that the order dated 08.09.2007 is not true and hence, it cannot be acted upon. The claim of the petitioners is that the deceased first petitioner was very much covered under the board



proceedings, which permitted the absorption of contractual labourer who was rendering service between the period from 18.10.2006 to 05.09.2007.

5. Since the impugned order does not discuss anything about the alleged appointment order dated 08.09.2007, I feel the deceased first petitioner's legal heirs can give a fresh representation by attaching a copy of the order for consideration of the second respondent within a period of two weeks from the date of receipt of a copy of this order. On such representation being made by the petitioner, the second respondent shall dispose the same and pass appropriate orders on merits, within a period of four weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

12.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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