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W.P.Nos.5245, 5250 and 5251 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.5245, 5250 and 5251 of 2020

S.MOHAN

.. Petitioner
in WP:5245/2020

P.MURUGESAN

.. Petitioner
in WP:5250/2020

N.RAJA

.. Petitioner
in WP:5251/2020

Vs

- 1 The Chairman cum Managing Director
Tamilnadu Electricity Board
N.P.K.R.R.Maligai Old No.800 New No.144
Anna Salai, Chennai – 600 002.
- 2 The Chief Engineer (Personnel)
TANGEDCO Ltd N.P.K.R.R.Maligai
Old No.800 New No.144 Anna Salai
Chennai – 600 002.
- 3 The Additional Chief Engineer
TANGEDCO Ltd. (TNEB)
Namakkal Electricity Distribution Circle
Thiruchengode Main Road



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Namakkal - 637 001.

..

Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the entire records pertaining to the order passed by the 3rd respondent herein vide is letter bearing Number Nil dated 4.7.2019 and quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the respondents to regularize the services of the petitioners pursuant to the award of the Inspector of Labour, Namakkal in No.1663/01 dated 21.3.2002 which was confirmed by the Division Bench vide the judgment dated 24.10.2008 made in W.A.No.1302 of 2003 and batch and absorb him in regular establishment of the TANGEDCO (TNEB) commensurate with his educational qualifications and experiences with all consequential monetary and service benefits.

For the Petitioners : Mr.A.R.Suresh

For the Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.A.R.Suresh, learned counsel for the petitioners; and Mr.Anand Gopalan, learned counsel appearing on behalf of M/s.T.S.Gopalan and Co. for the respondents.

2. The petitioners are challenging the order dated 4.7.2019 passed by the Additional Chief Engineer, TANGEDCO. The petitioners



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seek regularisation.

3. The contention of the learned counsel for the petitioners is that the present petitioners have worked up to the year 2006-07. The petitioner Murugesan is paid with *ex-gratia* even up to the year 2003. Learned counsel submits that there are experience certificates; so also petty cash book showing that the petitioners have worked up to 2006-07. The same is not considered by the respondents.

4. Learned counsel for the respondents submits that the petitioners are not covered under the settlement deed, nor under the proceedings dated 9.1.2008. The petitioners are not working since 1999 with the respondents.

5. There are rival contentions. We do not find any document placed on record to prove that the petitioners are working with the respondents. The petitioners are admittedly not paid *ex gratia* for the years 2005-2006 and 2006-2007, nor are they paid *ex gratia* for the year 2010-2011. In the absence of any document, it will not be possible to consider the case of the petitioners.



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6. The petitioners may approach the competent Labour Court or such other forum as may be permissible in law to agitate their grievances. In that event, all contentions of the petitioners and the respondents are kept open.

7. The writ petitions are disposed of accordingly. There shall be no order as to costs. Consequently, WMP Nos.6194, 6198 and 6201 of 2020 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

08.03.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi/tar



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