



WP No.21941 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.21941 of 2015

R.Sundaramurthy

... Petitioner

versus

- 1.Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Represented by its Managing Director,
NPKRR Maligai,
No.144, Anna Salai, Chennai -600 002.
- 2.The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai, Chennai-600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Office of the Superintending Engineer,
Chennai Electricity Distribution Circle (South),
Chennai-600 078.
- 4.The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Tambaram Division,
Chennai-600 045.
- 5.The Assistant Engineer,

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Operation and Maintenance,
TANGEDCO,
Pallavaram East,
Chennai-600 043.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to his proceedings in letter No.014735/135/G.61/G.612/2015-3 dated 22.04.2015 and quash the same and consequently direct the respondents herein to forthwith include the name of the petitioner in the list of left out contract labourers worked from the year 1987 and regularize the services of the petitioner by appointing him to the post of line inspector with all monetary and attendant benefits, on par with the other similarly placed persons by granting change of cadre.

For the Petitioner :Mr.P.Saravana Somiyan

For the Respondents :Mr.Venkatesh Prasad A.P.
for M/s. Agan Legal
for respondents 1 to 5

ORDER

The writ petition is filed challenging the communication dated 22.04.2015, wherein the petitioner's request for inclusion of his name in the list of contract labourers and to consequently regularize the services of the petitioner was rejected. The relevant portion of the communication is extracted hereunder:

"i)You have done petty works occasionally related to construction as and when required from 1987 to 1995 but not



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worked continuously. After 1995, you have not worked.

ii) You have not produced any documents to satisfy that you have worked continuously in O & M works at TANGEDCO so as to consider absorption in TANGEDCO as per the orders in force.

iii) You were not identified by the committee constituted for identification of Contract Labourers engaged by Board on 08.08.1998 & 11/2007.

iv) You have not received ex-gratia as you were not eligible to receive the same as per rules in force."

2. It was submitted by the learned counsel for the petitioner that the petitioner had been working as a contract labourer with the respondent Electricity Department during the period 1987 to 1995. However, the petitioner was electrocuted and suffered from partial disability. Resultantly, he was assigned with office duties alone from the year 1996 and that he has been continuously working in the Board by executing office duty. The impugned communication is made without considering the above fact.

3. To the contrary, it is submitted by the learned counsel for the respondent that under identical circumstances, the Division Bench of this court in WP Nos.5245, 5250 and 5251 of 2020 dated 08.03.2024 had rejected the similar request/prayer while granting the petitioner the liberty to



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approach the competent labour court or such other forum as may be permissible in law to agitate their grievances. The relevant portion of the Division Bench order is extracted hereunder:

"3. The contention of the learned counsel for the petitioners is that the present petitioners have worked 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.

\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."

5. Following the above order of the Division Bench of this Court dated 08.03.2024, this writ petition stands disposed granting liberty to the petitioner to approach the competent Labour Court or such other forum as



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may be permissible in law to agitate their grievances. In that event, all contentions of the petitioner and the respondents are kept open. There shall be no order as to costs.

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Index : Yes/No
Neutral Citation : Yes/No
mrn



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MOHAMMED SHAFFIQ, J.

(mrn)

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