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W.P.No.33402 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.33402 of 2013
and M.P.Nos.1 to 3 of 2013

- 1.V.Sathyamoorthy
- 2.A.Dhandapani
- 3.P.Alagarsamy
- 4.A.Udayakumar
- 5.R.Navaneethakrishnan
- 6.R.Kathireshkumar
- 7.D.Suresh
- 8.S.Ashokkumar

...

Petitioners

versus

- 1.The Chairman cum Managing Director,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer, Personnel,
Tamil Nadu Electricity Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer, Hydro,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Fifth Floor, Eastern Wing,



No.144, Anna Salai,
Chennai - 600 002.

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4. The Superintending Engineer,
Generation Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
Kundah Bridge,
Nilgiris - 643 219.

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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 relating to the second respondent's Notification made in Say.Ma.Tho.E/628 / Varaikalai/2013 dated Nil.05.2013 published in the website of TANGEDCO., Ltd., and quash the same as illegal and without jurisdiction and violation of TNEB Service Regulations and consequently direct the first and second respondents to issue fresh notification by calling the petitioners for interview to the posts of Technical Assistant on the basis of their practical experience in the respondent corporation and thereafter to go ahead with the selection process for appointment to the posts of Technical Assistant.

For Petitioners : Mr.G.Ananda Kumar

For Respondents : Mr.K.Rajkumar
Standing Counsel



ORDER

The writ petition is filed challenging the notification issued by the second respondent dated Nil.05.2013 and for a consequential direction to issue a fresh notification for the post of Technical Assistant.

2. Today, when the writ petition is taken up for hearing, the learned counsel appearing for the petitioners submitted that the connected writ petition, which has been filed for a similar relief in W.P.No.29385 of 2014, came to be disposed of, by order dated 09.02.2024 and submitted that the present writ petition also may be disposed of on similar lines.

3. The learned Standing Counsel for the respondents also concedes to the same.

4. The relevant portion of the above said order is extracted hereunder:-

“5.The petitioners were admittedly working with the respondent Corporation through contract. Their remuneration were being paid only by the contractor and not by the department. There was no contractual or any sort of relation between petitioners and the respondents. The petitioners were not continuously working. Though the petitioners stated that they have been working continuously with the respondent, the contractors were changed from time to time.

6. Now, the question is whether the petitioners who are working through the contractors can be absorbed in the existing vacancies. There



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is no agreement that the petitioners and other similar persons shall be absorbed after working specific period of years. There is no right existing to the petitioner to seek employment in the respondent department on preferential basis. Contract employees cannot be regularized in violation of the Hon'ble Supreme Court's direction in the case of **Secretary State of Karnataka and others -vs- Umadevi and others** reported in **AIR 2006 SC 1806**, the petitioner cannot claim any preferential right to get into the respondent department without following recruitment procedure.

7. The petitioners are seeking for direction to the respondent to call the petitioners for interview for appointment for the post of Tester Chemical in the existing vacancy. This Writ petition is filed in the year 2014 and the learned counsel for the respondent submits that the recruitment for the year 2014 has already been completed and as of now there are no vacancies in the recruitment in the cadre of Tester Chemical. First Petitioner and third Petitioner have stated that as of now they are not working with the second respondent either directly or through contract. The learned counsel for the petitioner submits that second Petitioner is still working in the Second Respondent through contractor. The Writ Petition filed has become infructuous since there stated to be no vacancies as of now in the respondent Corporation. However, the respondent can directly consider the petitioners in case, if in the future recruitment process by following due procedure.

8. Considering the above, the Writ Petition is disposed of directing the respondent to consider the request of the petitioners in the next recruitment by following due procedures. Accordingly, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed."

5. In the above writ petition, by considering the fact that since the recruitment was of the year 2014 and already recruitment has been completed and there are no vacancies, the issue in the writ petition was held to have become infructuous. However, the petitioners were given liberty to apply for the next recruitment, if any called for, which shall be considered by the respondent on its own merits by following due procedure.



6. In view of the same, this Writ Petition stands ***dismissed***, by giving liberty to the petitioners to participate in any of the subsequent selections, if any called for, which shall be considered by the respondents on its own merits by following the due procedure. Consequently, connected Miscellaneous Petitions are closed.

7. There shall be no order as to costs.

22.11.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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G.ARUL MURUGAN, J.

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