



WP.No.34027 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.34027 of 2013

G.Kumaresan

... Petitioner

Vs.

1. The Chairman cum Managing Director
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer, Personnel
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Dharmapuri Electricity Distribution Circle,
Dharmapuri.
4. The Inspector of Labour,
Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent's impugned order made in Letter No.104284/550/G.65/G.651/2012-5 dated 22.03.2013 and quash the same as illegal, arbitrary, without application of mind and without jurisdiction and



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consequently direct the respondents 1 to 3 to absorb the petitioner into TANGEDCO, as per the award dt 9.5.2011 passed by the 4th respondent.

For Petitioner : Mr.G.Ananda Kumar

For Respondents : Mr.Venkataprasad for R1 to R3
Mr.S.John J. Raja Singh
AGP for R4

ORDER

The instant writ petition has been filed to quash the first respondent's proceedings dated 22.03.2013 in Letter No.104284/550/G.65/G.651/2012-5 as illegal, arbitrary and without application of mind.

2. It is the submission of the learned counsel for the petitioner that the first respondent has not followed the Board proceedings dated 09.05.2011 and that had the first respondent followed the Board proceedings, the Authority would have positively considered his representation and would have given him an appointment.

3. Per contra, the learned counsel for the respondents-Board would invite the attention of this Court in respect of the order of this Court dated 14.10.2019 in WP.Nos.6595 to 6601 & 6603 of 2015. Wherein, this Court has quashed the Board proceedings dated 09.05.2011. Therefore, it is the



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contention of the learned counsel for the respondents that the petitioner cannot revive the order of the Inspector of Labour dated 09.05.2011, which reached finality through the earlier round of litigation. On perusal of records, this issue is no longer *res integra* as the same has been settled in earlier round of litigation. Therefore, as rightly contended by the learned counsel for the respondents, the petitioner cannot have any remedy in this writ petition. Furthermore, the grounds raised in this writ petition requires a factual finding, which needs recording of evidence. Such exercise cannot be done by a Writ Court.

4. At this juncture, the learned counsel for the petitioner would submit that in view of the pendency of this writ petition, though he was a party in the earlier round of litigation in WP.Nos.6595 to 6601 & 6603 of 2015, though liberty given, he has not pursued the same. If that being the case, no impediment for the petitioner to exercise his right, which is available in WP.Nos.6595 to 6601 & 6603 of 2015.

5. With the above observations, this Writ Petition is dismissed. No costs.

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Index : Yes /No

Speaking order : Yes/No



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Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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To

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