



W.P.No.9987 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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- 1.Elayaraja
- 2.Jaganathan
- 3.Karthi
- 4.Ponnar Sankar
- 5.Sathiskumar
- 6.Govindarajan
- 7.Kannan
- 8.Karthikeyan
- 9.Krishnan

.. Petitioners

Vs

- 1.The Chairman,
TANGEDCO (formerly TNEB),
144, Anna Salai,
Chennai-2.
- 2.The Chief Engineer (Personnel),
TANGEDCO (formerly TNEB),
144, Anna Salai,
Chennai-2.
- 3.The Superintending Engineer,
TANGEDCO, Namakal - 637 001
(Kaliapattu Division)
- 4.The Superintending Engineer,



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TANGEDCO, Namakal - 637 001
(Morapalayam Division)

5. Central Organisation of Tamil Nadu
Electricity Employees (CITU),
rep. by its General Secretary,
No.13, Mosque Street,
Chepauk, Chennai-5.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records in respect of list of direct recruitment on the file of second respondent as per the notification No.1 of 2019 dated 7.3.2019 for the post of gagman trainee 2019-2021 on the file of second respondent and quash the same consequently direct the respondent Board to regularize the services of the petitioner as per the settlement and the order passed in Superintending Engineer, Nagapattinam v. Inspection of Labour [(2009) 4 MLJ 472].

For the Petitioners : Mr.D.Murugan
for Mr.B.Manoharan

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

ORDER

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

Heard Mr.D.Murugan, learned counsel appearing on behalf of Mr.B.Manoharan, learned counsel for the petitioners; and, Mr.Anandh Gopalan, learned counsel appearing on behalf of M/s.T.S.Gopalan & Co., learned counsel for the respondents.



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2. The petitioners are challenging the notification inviting applications for filling in the post of Gangman. The petitioners also seek directions to regularise the services of the petitioners as per the settlement.

3. Learned counsel for the respondents submits that the petitioners are not entitled for regularisation as per the settlement. The petitioners do not satisfy the conditions of the settlement. The petitioners were not paid *ex gratia* for the years 2005-2006 and 2009-2010.

4. The disputed questions of fact cannot be gone into in a writ petition.

5. Be that as it may, the petitioners have a remedy to go before the Industrial Court. The petitioners may also make a representation to the respondent/employer. In case such a representation is made, the same shall be decided by the



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respondent/employer, preferably within three months from the date of the representation.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.10611 and 10612 of 2021 are closed. W.M.P.No.10610 of 2021 filed to permit the petitioners to file a single writ petition is allowed and disposed of, inasmuch as the petitioners have paid separate court fee.

(S.V.G., CJ.)

(J.S.N.P., J.)

01.04.2024

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



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(sasi)

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