



W.P.No.15087/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.15087 of 2021
and W.M.P.No.15983 of 2021

R.Prakash

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Petitioner

/vs/

1. Tamil Nadu Generation and Distribution Corporation,
Rep. by its Chairman cum Managing Director,
144, Anna Salai, Chennai – 600 002.

2. The Chief Engineer (Personnel),
TANGEDCO, 144, Anna Salai,
Chennai – 600 002.

3. The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
TANGEDCO, Nagapattinam – 611 001.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents herein to regularize the service of the petitioner by way of appointing him in the regular time scale of pay on par with similarly placed persons from the date when similarly



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placed persons were given such benefits with all other attendant benefits.

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For Petitioner ... Mr.K.Krishnamoorthy

For Respondents ... Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co. for RR1&3

No appearance for R2

ORDER

The petitioner has filed this writ petition to direct the respondents to regularize his service by way of appointing him in the regular time scale of pay on par with similarly placed persons from the date when similarly placed persons were given such benefits, with all other attendant benefits.

2. The petitioner was employed with the third respondent during the year 1996 as a daily wager. The petitioner and like others approached the Inspector of Factories for conferment of permanent status and the authority directed the respondents to confer permanency. A writ petition filed challenging the order of Inspector of Factories was disposed with certain directions. In pursuant to the above order, identical persons have been given with the order of appointment by the second and third respondents.



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The petitioner was implicated in a criminal case and later he was acquitted.

The petitioner had made a representation before the respondent seeking to consider his claim for permanent absorption but so far no order has been passed. Hence the petitioner has filed this writ petition.

3. Mr.K.Krishnamoorthy, the learned counsel for the petitioner, submitted that similarly placed persons like the petitioner were absorbed only subsequent to 12(3) settlement and in accordance with their qualification; the above settlement has been upheld and direction has been given to extend the settlement to other similarly placed labourers also.

4. Mr.Anand Gopalan, the learned counsel for the respondents 1 and 2, submitted that the petitioner is not qualified to be considered under the 12(3) settlement and hence his representation has not been considered.

5. The representation of the petitioner was not disposed by taking into consideration of the submissions along with the records produced by him. The petitioner has claimed that similarly placed persons have been



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given with the benefit of the orders passed by the Inspector of Labourers and the direction given in the writ petition in W.P.No.26381 of 2004. In such circumstances, I feel it is appropriate to direct the third respondent to consider the representation of the petitioner in the light of the above judicial pronouncement and pass orders.

6. The petitioner is at liberty to give a fresh representation and on receipt of the same the third respondent shall consider the same in the light of the above judicial pronouncement and pass orders accordingly, within a period of four weeks from the date of receipt of the representation.

7. With the above direction, this writ petition is disposed. No costs. Connected miscellaneous petition is closed.

12.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn

To:

The Superintending Engineer,



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Nagapattinam Electricity Distribution Circle,
TANGEDCO, Nagapattinam – 611 001.

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R.N.MANJULA ,J.

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