



W.P.Nos.15547 and 15548 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.15547 and 15548 of 2022

W.P.No.15547 of 2022

V.Balaji

...Petitioner

-Vs-

1.The Chief Engineer/Personal,
8th Floor/TANGEDCO,
No.144, NPK RR Maaligai (TNEB),
Anna Salai, Chennai – 600 002.

2.The Deputy General Manager,
Thermal Training Institute,
Vallur Camp, N.C.T.P.S. (Post),
Chennai – 600 120.

... Respondents

Prayer in W.P.No.15547 of 2022 : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 24.02.2022 and 07.05.2022 and absorb the Petitioner into service from 28.12.1999 instead of 19.12.2007 as a Helper.



W.P.Nos.15547 and 15548 of 2022

W.P.No.15548 of 2022

M.Kumarapandian

...Petitioner

-Vs-

1.The Chief Engineer/Personal,
8th Floor/TANGEDCO,
No.144, NPK RR Maaligai (TNEB),
Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,
General Construction Circle – 1,
230/110 K.V.GIS/SS Campus/TANTRANSCO,
No.A-10, Thiru.V.KA Industrial Estate (TNEB),
Guindy, Chennai – 600 032.

3.The Executive Engineer,
AE-II/TLC/Maraimalai Nagar,
General Construction (TNEB),
Poonamalli, Chennai

... Respondents

Prayer in W.P.No.15548 of 2022 : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 24.02.2022 and to absorb the Petitioner into service from 01.05.1999 forthwith instead of 01.11.2004 as a Helper.

For Petitioners : Ms.S.Meenakshi for
(in both WPs) Mr.L.Palanimuthu

For Respondents : Mr.Anand Gopalan
(in both WPs) for M/s.Agam Legal

COMMON ORDER



W.P.Nos.15547 and 15548 of 2022

These writ petitions have been filed for direction to the respondents to consider the petitioners' representation seeking absorption into service from 28.12.1999 instead of 19.12.2007 and from 01.05.1999 instead of 01.11.2004 respectively as Helper.

2. Both the petitioners were initially working as Contract Casual Labourers from the year 1997 under B.P.(FB).No.17 dated 28.04.1999 of the Tamil Nadu Electricity Board. The Board directed that all the contract labourers identified as on 05.01.1998 and engaged in the Thermal Power Stations shall be absorbed. Therefore, absorption had taken effect from 01.05.1999. However, the petitioner in W.P.No.15547 of 2022 was not absorbed for the reason that we did not complete 18 years of age as on 30.04.1999 and the petitioner in W.P.No.15548 of 2022 was not absorbed for the reason that as per his school transfer certificate, his date of birth mentioned as 21.05.1981 and as per the Birth Certificate, his date of birth is 11.09.1980. Hence, the respondents refused to change the date of birth in the service record and consequently denied him the benefit of absorption. Therefore, the petitioner in W.P.No.15548 of 2022 approached the civil Court in O.S.No.1133 of 2000 on the file of the Principal Munsif Court, Madurai Town for declaration to declare that his date of birth as 11.09.1980. The suit was decreed by the judgment and decree dated



W.P.Nos.15547 and 15548 of 2022

23.04.2004. Thereafter, he was absorbed as Helper with effect from the date of joining by order dated 12.10.2004. Accordingly, on 01.11.2004, he joined duty as Helper in the Office of the Superintending Engineer/Thiruvannamalai Electricity Distribution Circle/Thiruvannamalai.

2.1. As far as the petitioner in W.P.No.15547 of 2022 is concerned, he filed a Writ Petition in W.P.No.14035 of 2002 and the same was dismissed by this Court. Aggrieved by the same, he filed Writ Appeal before this Court in W.A.No.331 of 2005 and by order dated 22.06.2007, the Hon'ble Division Bench of this Court directed the respondents to consider the case of the petitioner by relaxing the age as shortage of less than one year period. Accordingly, he joined duty by order dated 19.01.2007 as Helper in the Office of the Assistant Executive Engineer/Training, Training & Reserve Division, NCTPS, Chennai-120. Therefore, the petitioners submitted their representations only in the year 2022 for absorption into service from the year 1999.

3. The petitioners submitted their representation after a period of 15 years from the date of their joining. As per the guidelines of Tamil Nadu Electricity Board, application for the revision of seniority of a person in a service, class, category or grade shall be submitted to the appointing authority within a period



W.P.Nos.15547 and 15548 of 2022

of three years from the date of order fixing the seniority as the case may be.

Therefore, the petitioners failed to address their remedies within a period of three years.

4. Therefore, the request made by the petitioners cannot be considered and both the writ petitions are liable to be dismissed. Accordingly, both the writ petitions are dismissed. No costs.

04.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

gvn



WEB COPY



W.P.Nos.15547 and 15548 of 2022

G.K.ILANTHIRAIYAN. J,

gvn

To

- 1.The Chief Engineer/Personal,
8th Floor/TANGEDCO,
No.144, NPK RR Maaligai (TNEB),
Anna Salai, Chennai – 600 002.
- 2.The Deputy General Manager,
Thermal Training Institute,
Vallur Camp, N.C.T.P.S. (Post),
Chennai – 600 120.
- 3.The Superintending Engineer,
General Construction Circle – 1,
230/110 K.V.GIS/SS Campus/TANTRANSCO,
No.A-10, Thiru.V.KA Industrial Estate (TNEB),
Guindy, Chennai – 600 032.
- 4.The Executive Engineer,
AE-II/TLC/Maraimalai Nagar,
General Construction (TNEB),
Poonamalli, Chennai

W.P.Nos.15547 and 15548 of 2022

04.01.2024