



WEB COPY



W.P. Nos.16862, 16864, 16865, 16867, 16869,
16871, 16875, 17517 & 17527 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. Nos.16862, 16864, 16865, 16867, 16869,
16871, 16875, 17517 & 17527 of 2021

and

W.M.P.Nos.17844, 17847, 17848, 17849,
17850, 17851, 17853, 18617 & 18630 of 2021

W.P.No.16862 of 2021

M.Mathews

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
Anna Salai, Chennai - 600 002.

2. The Chief Engineer (Personal)
and Convener Committee,
TANGEDCO,
Anna Salai, Chennai - 600 002.

3. The Superintending Engineer,
Parsonvalley, Power House Project VI,
Emerald Post & Village, Kundhah Taluk,
Ooty, The Nilgiris District - 643 209.

... Respondents



W.P. Nos.16862, 16864, 16865, 16867, 16869,
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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents herein to consider the claim of the petitioner for absorption to absorb the petitioner as regular helper in the service of TANGEDCO (previously Tamilnadu electricity Board) after giving him an opportunity of personally being heard as per the decision of the Hon'ble Supreme Court in the case of Narendra Kumar Tiwari & others vs. the State of Jharkhand (Civil appeal Nos.7423-7429 of 2018 dated 01.08.2018) and to make ex-gratia payment to the petitioner till the date of his absorption and to provide all other service benefits on par with his juniors.

For Petitioner : Mr.G.Ilamurugu
in all W.Ps.

For Respondents : Mr.Anand Gopalan for
in all W.Ps. M/s.T.S.Gopalan & Co. (TNEB)

COMMON ORDER

The petitioners were engaged in civil and electrical works in the respondent TANGEDCO at various places as casual labours/Masthurs. Since they were worked for more than 5 to 10 years, their services should be regularised. However, the respondents identified some of the contract labours / casual workers and regularized them. But, the petitioners were not regularised. According to the petitioners, the said exercise is being done in selective manner and that the petitioners are left out.



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2. Mr.G.Ilamurugu, learned counsel for the petitioners submitted that the petitioners have given several representations in this regard and they were not considered so far.

3. Mr.Anand Gopalan, learned counsel appearing for the respondents submitted that the petitioners were not in service after 2005 and all of a sudden they have chosen to file a Writ Petitions in the year 2021 to treat them on par with those persons who have observed in the year 2001. The learned counsel for the Respondents further submitted that the petitioners ought to have raised an Industrial Dispute under Section 2(k) of the Industrial Disputes Act and they are not entitled to file Writ Petition by invoking Article 226 of the Constitution of India.

4. The learned counsel for the petitioners submitted that unless any orders passed on the representation, the petitioners cannot take the case to the next level.



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5. Considering the above, this Court is of the view the representation of the petitioner to be considered on merits. Though the representation is of the year 2001, it is difficult to trace the same. Hence, the petitioners are permitted to make fresh representation, ventilating their grievances forthwith and on receipt of the same, the respondents shall consider and pass orders in accordance with law within a period of six weeks from the date of representation.

6. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum



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