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W.P. No.19543 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.19543 of 2008

V.K.Palanisamy

... Petitioner

Vs.

1.The Chief Engineer (Establishment),
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai – 600 002.

2.The Electrical Engineer (Supervising),
Erode Electricity Distribution Circle,
Erode.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to provide regular appointment to the petitioner in the second respondent office as per Hon'ble Justice Kalaath Commission Report by considering the petitioner's representation dated 30.06.2008 addressed to the first respondent herein.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.G.Ananda Krishnan
for M/s.Agam Legal

ORDER

This writ petition has been filed seeking writ of mandamus to direct the



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respondents to provide regular appointment to the petitioner in the 2nd respondent Office in terms of the report submitted by Justice Khalid Commission by considering the representation dated 30.06.2008 submitted to the 1st respondent.

2. It is the case of the petitioner that he was engaged by the respondent Board on contractual basis in the year 1986 and continued as such till the year 1996. During the said period, by virtue of the orders passed by the Hon'ble Apex Court, Justice Khalid Commission was constituted to look into the grievance of the contractual labourers and for the regular employment and mainly basing upon the report submitted by the said Commission, 18006 contractual labourers were found to be entitled for regular employment and for absorption. The name of the petitioner was also included in the said list with Registration No.442. But the name of the petitioner was mentioned as P.K.Palanisamy instead of V.K.Palanisamy. Because of the said typographical error, another person by name P.K.Palanisamy made a claim for regular appointment but the same was objected by the petitioner and on enquiry by the Vigilance Officer, the said P.K.Palanisamy was not given



benefit of regularisation. But at the same time, the petitioner was also not extended the said benefit.

3. According to the petitioner, he submitted a representation in the year 1996 seeking regular appointment but the same was not considered and hence, the petitioner finally claims to have submitted a representation dated 30.06.2008 for providing regular employment. It is complaining inaction on the part of the respondents on the representation dated 30.06.2008, the petitioner approached this Court by filing the present writ petition.

4. This writ petition has been pending since 2008. As on the date of filing of the writ petition, the petitioner was aged 45 years and by now, he would be aged about 61 years. Thus, he has crossed the age of superannuation as well. However, the claim of the petitioner for regular appointment is basing upon the report submitted by Justice Khalid Commission in the year 1996. All the other persons, who were similarly situated like the petitioner, were absorbed or regularized in the year 1996. It is not understood as to why the petitioner kept quiet till 2008. Though the



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petitioner claims to have submitted a representation in the year 1996, there is nothing to show that the petitioner has submitted such representation in the year 1996. The only representation that is available on record is dated 30.06.2008 submitted by the petitioner i.e., after a lapse of 12 years since the date of grievance of the petitioner. Thus, the petitioner has kept quiet for more than 12 years on his claim for regular appointment and also failed to pursue the writ petition immediately after filing of the same and allowed the same to remain pending till date.

5. In the circumstances, this Court is of the considered view that the right of the petitioner if any, in terms of the report of Justice Khalid Commission, stood dissolved by long lapse of time and the petitioner is not entitled to awake as and when he feels like and approach this Court invoking jurisdiction under Article 226 of the Constitution of India.

6. In the circumstances, this Court is of the considered view that the relief sought by the petitioner in the present writ petition cannot be granted on the ground of delay and laches.



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7. Accordingly, the writ petition is dismissed and the connected miscellaneous petitions, if any, shall stand closed. No costs.

19.09.2024
(2/2)

Index : Yes/No
Speaking Order : Yes/No
dpa

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