



WP.Nos.26592, 26563 & 26565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

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**CORAM:
THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.Nos.26592, 26563 & 26565 of 2024

G.Jayakumar	...	Petitioner in WP.No.26592 of 2024
M.Ramalingam	...	Petitioner in WP.No.26563 of 2024
J.Segusu Raman	...	Petitioner in WP.No.26565 of 2024

Vs.

1.The Chairman,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Anna Salai, Chennai.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation &
Distribution Corporation,
Anna Salai, Chennai.

3.The Superintending Engineer,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Cuddalore.

... Respondents in all WPs.

Prayer in WP.No.26592 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give permanent posting / employment in the cadre of Helper / Field Assistant in TANGEDCO pursuant to the order of permanency issued by the Inspector of Labour, Cuddalore in Award No.E/6532/06 dated 28.06.2007 and thereby direct the respondents to give the all consequential and monetary benefits.



WP.Nos.26592, 26563 & 26565 of 2024

Prayer in WP.No.26563 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give permanent posting / employment in the cadre of Helper / Field Assistant in TANGEDCO pursuant to the order of permanency issued by the Inspector of Labour, Cuddalore in Award No.E/5042/03 dated 09.03.2005 and thereby direct the respondents to give the all consequential and monetary benefits.

Prayer in WP.No.26565 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give permanent posting / employment in the cadre of Helper / Field Assistant in TANGEDCO pursuant to the order of permanency issued by the Inspector of Labour, Cuddalore in Award No.E/3237/04 dated 09.03.2005 and thereby direct the respondents to give the all consequential and monetary benefits.

In all WPs.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.Anand Gopalan

Standing Counsel

for M/S. Agam Legals

COMMON ORDER

These Writ Petitions have been filed to direct the respondents to give permanent posting / employment in the cadre of Helper / Field Assistant in the respondent Corporation.

2. The learned counsel for the petitioners in all the Writ Petitions submitted that a similar issue that has been dealt in W.P.Nos.7638 of 2012 batch filed by the respondent is applicable to the issue raised in the present Writ Petitions also. The issue raised by the similarly placed persons in W.P.Nos.36045 of 2023 batch has been dealt and an order has been passed after analysing the issues raised and the Writ Petitions were allowed.



3. However, the learned counsel for the respondent Management submitted that the benefit of conferment status would be admissible to the petitioners only for the period they have served in the respondent corporation and not for the period during which they were not serving in the respondent corporation.

4. In this regard, the learned counsel for the respondent brought the attention of this court to the following decision of this Court:

(i) A. Ravi Vs Tamilnadu Electricity Generation & Distribution Corporation Ltd.&ors,

“8. Learned Standing Counsel appearing for the Electricity Board submitted that while giving a direction to implement the order of the Labour Inspector, it may be clarified that if any of the writ petitioners/employees is not serving in the respondent Corporation presently or from any given date, the benefit of conferment status would not be admissible for the said period. The aforesaid aspect is required to be taken note of.

9. In view of the above, while setting aside the order passed by the learned Single Judge and allowing the writ appeals, the respondent Corporation is directed to implement the order passed by the Labour Inspector, within six months from the date of receipt of a copy of this order. However, the benefit of conferment status would be admissible to the appellants/writ petitioners only for the period they have served in the respondent Corporation and not for the period during which they were not serving the respondent Corporation. To make it clear, if any of the appellants/writ petitioners was either discontinued from the contract or terminated, the benefit arising out of the order of the Labour Inspector would be only for the period of service and not after their discontinuance or termination, for which, the appellants/writ



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petitioners would be at liberty to take recourse as available to them, if they are so interested."

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(ii) R. Palani Vs The Chairman cum Managing Director, Tamilnadu Electricity Generation & Distribution Corporation Ltd.&ors.

"4.Thus, the question of absorption could not have been raised after a lapse of 12 years, as the appellant was not even in service. Therefore, the prayer to direct the respondents to absorb him was not accepted by the respondents and it cannot be claimed based on the order passed by the Inspector of Labour, because the benefit arising there from would be for the period served by the appellant and not the subsequent period when he was not serving. ..."

(iii) M. Rajendran and Others Vs The Tamilnadu Electricity Generation & Distribution Corporation Ltd.&ors.

"2. Today, when this writ appeal was taken up for hearing, it was conceded by either side that the issue involved in this writ appeal was considered by a Coordinate Bench of this Court in A. Ravi v The TANGEDCO and 3 others. The operative portion of the said order reads thus:

9. In view of the above, while setting aside the order passed by the learned Single Judge and allowing the writ appeals, the respondent Corporation is directed to implement the order passed by the Labour Inspector, within six months from the date of receipt of a copy of this order. However, the benefit of conferment status would be admissible to the appellants/writ petitioners only for the period they have served in the respondent Corporation and not for the period during which they were not serving the respondent Corporation. To make it clear, if any of the appellants/writ petitioners was either discontinued from the contract or terminated, the benefit arising out of the order of the Labour Inspector would be only for the period of service and not after their discontinuance or termination, for which, the appellants/writ petitioners would be at liberty to take recourse as available to them, if they are so interested."

3 In view of the above, this writ appeal also deserves to be allowed on the terms on which A. Ravi(supra) was allowed"



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5. It is to be noted that the respondents have already challenged the order passed in claim petition Nos.E/6532/06 dated 28.06.2007 etc., by filing a Writ Petition in W.P.No.7638 of 2012 and the same has been dismissed. Hence the matter cannot be re-agitated once again and that will only be an unnecessary exercise to waste the time of the Court. As these Writ Petitions involve issues similar to the other Writ Petitions in WP.Nos.36045 of 2023 batch, the order passed in the sid Writ Petitions will be applicable to these petitioners as well.

6. Accordingly, these Writ Petitions are **allowed** and the respondents are directed to consider the claim of the petitioners and give permanent employment in the cadre of helper / Field Assistant within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2024

Index : Yes / No
Speaking / Non~speaking
Neutral Citation : Yes / No
jrs



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R.N.MANJULA, J.

jrs

To

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Tamil Nadu Electricity Generation &
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