



W.P.No.26016 of 2022 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

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

W.P.Nos.26016, 26019, 26022, 26024, 26025, 26028, 26029, 26030,
26443, 26447, 26448, 26450 to 26453, 26456 & 26458 of 2022

WP.No.26016 of 2022 :-

V.Paulraj

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamilnadu Electricity Generation
and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai 600 002

2.The Chief Engineer, Personnel,
Tamilnadu Electricity Generation
and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai 600 002

3.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamilnadu Electricity Generation
and Distribution Corporation Ltd.,
Salem.

... Respondents



W.P.No.26016 of 2022 etc.

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to pay regular scale of pay to the petitioner by treating him as regularly appointed helper from 15.10.2011 (date of his appointment) as per the orders dated 07.12.2010 & 07.02.2019 passed by this Court in W.P.No.3605/2000 & W.P.No.910 of 2011 respectively.

In all W.Ps.

For Petitioner : Mr.G.Ananda Kumar
For Respondents : Mr.A.P.Venkatesh Prasad
For M/s.Agam Legal

COMMON ORDER

These writ petitions have been filed for direction directing the respondents to pay regular scale of pay to the petitioners by treating them as regularly appointed helper from the date of their appointment.

2. The petitioners are ITI holders and they had undergone Apprenticeship training for one year period at the respondents/Board. The respondents/Board issued board proceedings in BP.No.242 dated 26.06.1984 thereby had given preference in the matter of appointment to the apprentice those who had undergone apprenticeship in the respondents/Board. However, the respondents/Board had withdrawn the



W.P.No.26016 of 2022 etc.

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said proceedings by another proceedings dated 13.09.1988 in BP.No.69 dated 13.09.1988. Therefore, the apprentices challenged the board proceedings in BP.No.69 dated 13.09.1988 before this court and all the writ petitions were allowed, thereby directed the respondents / Board to absorb them by giving preference to the apprentices who joined apprenticeship training before cut off date i.e. 13.09.1988. The respondents/Board did not file appeal as against the said order and absorbed only 26 persons.

3. Therefore, the petitioners filed writ petitions for direction to absorb them who joined apprenticeship training before 13.09.1988 in WP.Nos.4217 and 4218 of 2009. Both the writ petitions were allowed by this Court by order dated 11.12.2009 thereby directed respondents 1 and 2 to appoint them as Helper within a period of four weeks from the date of the order. The respondents / Board filed appeal and the same was also dismissed by the Hon'ble Division Bench of this Court in WA.Nos.1596 and 1597 of 2010 by order dated 16.11.2009. Even then, respondents 1 and 2 failed to appoint the petitioners and as such, they were constrained to file a contempt petition.



W.P.No.26016 of 2022 etc.

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4. While pending the contempt petition, the respondents issued board proceedings in BP.No.15 dated 03.09.2011 stating that "Accordingly, 169 persons shall be provisionally be appointed to the post of Helper(Trainee) in Regular Work Establishment category on temporary basis to the Tamil Nadu Electricity Generation and Distribution Corporation for a period of two years under Regulation 106 of Tamilnadu Electricity Board Service Regulation and for a consolidated wages of Rs.3,250/- per month. It was recorded and contempt petition was closed. However, the petitioners were given liberty to challenge the two years training period.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. On perusal of the counter filed by the respondents revealed that after completion of the said two years training period, they will come under regular category with time scale of pay. Admittedly, all the



W.P.No.26016 of 2022 etc.

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petitioners completed their apprenticeship before cut off date i.e. 13.09.1988. Therefore, after considering their apprenticeship, they were ordered to be appointed in the post of Helper. Even then, the respondents appointed the petitioners only to the post of Helper(Trainee), that too for a period of 2 years on temporary basis. Though after 2 years, their services were regularised with time scale of pay, they lost their two years service as Helper and also there was monetary loss to them.

7. In view of the above fact, the respondents are directed to treat the petitioners' services as Helper from the date of their appointment with all monitory and service benefits. Accordingly, all the writ petitions are allowed. There shall be no order as to costs.

18.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN, J.

rts

To

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- 3.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamilnadu Electricity Generation
and Distribution Corporation Ltd.,
Salem
4. The Government Advocate,
High Court, Madras.

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