



W.P.No.34621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.34621 of 2024

A.S.Sathiyamoorthi

...Petitioner

Vs

1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle, North,
Tamil Nadu Generation and Distribution
Corporation,
Tirunelveli.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay regular scale of pay to the petitioner by treating him as regularly appointed helper from 03.12.2011 (date of his appointment) as per the



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orders dated 11.12.2009, 07.12.2010, 25.08.2023 and 18.03.2024 passed by this Court made in W.P.Nos.4218 and 4219 of 2009, W.P.Nos.3605 and 5757 of 2000 and W.P.Nos.16851 to 16872 of 2012 and W.P.Nos. 26016 to 26030 and 26447, 26448, 26450 to 26453 and 26458 of 2022 respectively.

For Petitioner : Mr.G.Ananda Kumar

For Respondents : Mr.Rajmumar
Standing Counsel for TANGEDCO

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Mr.Rajkumar, learned Standing counsel takes notice for the respondents.

3. The petitioner has filed this writ petition to issue a Writ of Mandamus to direct the respondents to pay regular scale of pay to the petitioner by treating him as regularly appointed helper from 03.12.2011 (date of his appointment) as per the orders dated 11.12.2009, 07.12.2010, 25.08.2023 and 18.03.2024 passed by this Court in W.P.Nos.4218 and 4219 of 2009, W.P.Nos.3605 and 5757 of 2000 and W.P.Nos.16851 and 16872 of 2012 and W.P.Nos.26016 to 26030 and 26447, 26448, 26450 to 26453 and 26458 of 2022 respectively.



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4. The case of the petitioner is that the petitioner is an ITI holder and undergone Apprenticeship training for one year in the respondent Board prior to 13.09.1988. The respondent Board has issued B.P.No 242 dated 26.06.84 which gave preference in the matter of appointment to the apprentices those who had undergone apprenticeship in the respondent Board. But all of a sudden, the respondent Board issued B P.No.69 dated 13.09.1988 withdrawing the preference in appointment given to the apprentices trained by the respondent and the persons who joined the apprenticeship training before the issuance of the said B.P were denied absorption based on the said B.P.69. The petitioner's union filed a writ petition in W.P.No 3605 of 2000 before this Court praying for issue of writ of mandamus directing the respondents to absorb the members of the petitioner union, who joined the apprenticeship training before 13.09.1988, as Helpers in the Tamil Nadu Electricity Board. In the meantime, One D.Venkatesan and V Palanimuthu who are ITI Holders and undergone apprenticeship in TNEB and similarly situated persons like the petitioner who filed writ petitions in W.P.No 4217 and 4218 of 2009. The above two writ petitions were allowed by this Court on 11.12.2009 with a direction to the respondents 1 & 2 to appoint the



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petitioners as Helper within a period of 4 weeks from the date of receipt of copy of the order. Aggrieved by the same, the respondent Board has preferred an appeal before this Court in W.A.Nos 1596 and 1597 of 2010 and the same were dismissed by the Hon'ble first Division Bench of this Court, on 16.11.2009. Following the same decision, this Court disposed of the writ petition Nos 3605 & 5757 of 2000 on 07.12.2010 declaring that the directions issued by the Division Bench of this court by Judgement dated 16.11.2010 in W.A. No 1596 of 2010 shall be applicable to the petitioners in W.P.No 5757 & 3605 of 2000 and the same shall be carried out. After the said order, the 1st & 2nd respondents had not passed any appointment orders to the petitioner and in such circumstances, our union had filed contempt petition in Contempt Petition No 1115 of 2011 before this Court and pending the said contempt, the respondent Board has issued B P.No 15 dated 03.09.2011 and the contempt petition was closed on 27.09.2011.

(ii). Now the petitioner is working as a Line Inspector in the 3rd respondent circle. On the contrary, the 2nd respondent by an order dated 03.12.2011 has provisionally selected the petitioner for appointment to the post of Helper (Trainee) on temporary basis and directed the 2nd



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respondent to issue appointment order. Subsequently, the 2nd respondent by an order dated 03.09.2011 has appointed the petitioner to the post of Helper (Trainee) on temporary basis. The petitioner further contends that several batch of writ petitions were filed by similarly placed persons before this Court. This Court in writ petitions No.16851 to 16872 of 2012 by its order dated 25.08.2023 and in W.P.Nos.26016 to 26030, 26443 to 26448, 26450 to 26453, 26456 & 26458 of 2022 by its order dated 18.03.2024 disposed of these writ petition by directing the directing the respondents to treat the petitioners services as Helper from the date of their appointment with all monetary and service benefits.

(iii). In such circumstances, he made a representation dated 06.06.2024 to the respondents 1&2 requesting them to pay regular scale of pay from the date of appointment as Helper Trainee as per the above said order passed by this court, but the respondents 1 and 2 have not considered his representation. Hence, the present writ petition.

5.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the representation of the petitioner dated 06.06.2024 and pass orders.



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6. The learned standing counsel appearing for the respondents submitted that that the representation of the petitioner will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

7. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the respondents to consider the representation of the petitioner dated 06.06.2024 on merits and in accordance with law and pass a speaking order within a period of twelve(12) weeks from the date of receipt of copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs.

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



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To
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V.BHAVANI SUBBAROYAN,J.

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