



W.P.(MD).No.386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.386 of 2024

and

W.M.P(MD)No.394 of 2024

Anandharaj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
TWAD House, No.31,
Kamarajar Salai, Chepauk,
Chennai-600 005.

2.The Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
Maintenance Division,
No.1/1, Sambakulam,
Ganesh Nagar, Madurai-625 007.

3.The Assistant Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
Andipatti Sedapatti Combined Water Supply Schemes,
Varadharajapuram Post,
Vaigai Dam, Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents to remove or transfer the petitioner from service by considering the petitioner's representation, dated 30.12.2023.



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For Petitioner : Mr.S.Vikram

For Respondents : Mr.B.Vijay Karthikeyan

ORDER

The present writ petition has been filed seeking direction, forbearing the 2nd and 3rd respondents to remove or transfer the petitioner from service by considering the petitioner's representation, dated 30.12.2023.

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

3. The petitioner has been working as an Electrician since 2006 in Tamil Nadu Water Supply & Drainage Board under the control of the 2nd respondent and has worked for more than 480 days since the date of appointment. In order to make his appointment permanent, along with 23 others, he filed a petition before the Labour Court, Madurai under Section 3 (1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. On the basis of their petition, a detailed enquiry was conducted by the Labour Inspector and the same was allowed on 23.02.2017. Thereafter, the



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respondents permitted them to work permanently, since the petitioner had completed 480 days of work. Challenging the said order, the 2nd respondent preferred a writ petition in W.P(MD)No.6516 of 2017 and the same is pending. Under such circumstances, the respondents 2 and 3 are trying to remove or transfer the petitioner from service. Hence, he made a representation on 24.11.2023 requesting to take action against the respondents 2 and 3 to the 1st respondent. Following which, the 1st respondent vide letter, dated 15.12.2023 directed the 2nd respondent to take appropriate action on the application made by the petitioner and replied to the same. However, no action has been taken. Hence, this writ petition came to be filed.

4. The learned Standing Counsel appearing for the respondents fairly submitted that the situation faced by the petitioner has arisen only because of his adamant nature of refusing to join in the place where he was directed to work. He fairly undertakes to employ the petitioner, if he is ready to join in the place as directed by the respondents 2 and 3 through the Contractor.



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5. The learned counsel for the petitioner willingly submitted that the petitioner will join in any place as directed by the respondents 2 and 3 through the Contractor.

6. Recording the above submissions, this Writ Petition stands disposed of by directing the respondents 2 & 3 to permit the petitioner to join in an appropriate place. No costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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L.VICTORIA GOWRI, J.

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