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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.(MD) No.804 of 2018
and
C.M.P.(MD) No.4799 of 2018

A.Arumuga Nainar

... Appellant

-vs-

1. The Chairman
Tamil Nadu Electricity Board
144, Annasalai, Chennai-2.
2. The Chief Engineer/Personnel
Tamil Nadu Electricity Board
144, Annasalai, Chennai-2.
3. The Superintendent Engineer
Wing Energy Development Cell
Tamil Nadu Electricity Board
Maharaja Nagar, Tirunelveli.
4. The Superintending Engineer
TANGEDCO
Tamil Nadu Electricity Board
Maharaja Nagar, Tirunelveli

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.03.2018, passed in W.P.(MD) No.3806 of 2012 on the file of this Court.

For Appellants : Mr.Deepak Arasu
for Mr.H.Arumugam

For Respondents : Ms.P.Malini
for M/s.T.S.Gopalan

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Writ Appeal has been filed as against the order passed by the learned Single Judge, dismissing the writ petition challenging the order of rejection in relation to the claim of the writ petitioner for permanent absorption.

2. It is the case of the appellant that he was engaged as contract labour. His grievance is that similarly placed persons, engaged by the contractor, were already permanently absorbed in the Board's service and therefore , the same benefit has to be extended to this writ petitioner also. The learned Single Judge, holding that the petitioner was not directly engaged by Tamil Nadu



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Electricity Board and thereby not entitled for absorption, had rejected the claim of the petitioner. Challenging the same, the present Writ appeal has been filed.

3. Learned counsel appearing for the appellant would contend that the petitioner was under continuous service from 2005. The petitioner was employed as direct labour by the Tamil Nadu Electricity Board and similarly placed persons were also absorbed by the Board vide Board Proceeding in Per.B.P(Chairman) No.9 dated 09.01.2008, whereas the learned Single Judge had erred in dismissing the claim of the petitioner.

4. Learned Standing Counsel appearing for the Tamil Nadu Electricity Board would submit that pursuant to the administrative order of the Board proceedings, a Committee was appointed to examine the claims of Contract Labourers not covered by 12(3) Settlement dated 10.08.2007, for absorption and considering the case of the petitioner and others, it was found that the petitioner was employed under M/s.Suzlon Energy Firm Services and after the contract was terminated, the contractors have terminated the petitioner and other persons employed by them, thereby the services of the petitioner has been terminated. The Board has no connection with such a termination,



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thereby the appellant is not entitled for any absorption and thereby the learned Single Judge has rightly dismissed the petition.

6. There are rival contentions. We do not find any document placed on record to prove that the petitioner was working with the respondents. In the absence of any documents, it will not be possible to consider the case of the petitioner. Further, even if documents are produced, the veracity of those documents cannot be tested in this forum.

7. In view of the same, leaving open the contentions of the petitioner and the respondents, the present appeal stands dismissed. The petitioner, if so advised, may approach the competent Labour Court or such other forum as may be permissible in law to agitate his grievances. No costs. Consequently connected miscellaneous petition is closed.

[A.D.J.C., J.]

[K.R.S., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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