



W.P.(MD).No.60 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.60 of 2024

D.Selvaraj

... Petitioner

Vs.

1.The Chief Engineer/Personnel,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
144, Anna Salai, Chennai-2.

2.The Superintending Engineer,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Kanyakumari Electricity Distribution Circle,
Nagercoil-3.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to dispose off the petitioner's representation, dated 28.07.2022.

For Petitioner : Mr.R.Thangasamy

For Respondents : Mr.S.Arivalagan
Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to the respondents to dispose off the petitioner's representation, dated 28.07.2022.

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

3. The petitioner joined as a Contract Labour at Kuzhithurai Construction Section under the control of the 2nd respondent from 1983. The 2nd respondent paid him wages through the Petty Cash Book maintained by the then Kuzhithurai Construction Section and he served for a period of 13 years without any interruption. He approached the Labour Inspector, Tuticorin seeking to confer permanent status on having completed a continuous service of minimum 480 days as per Section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act 1981. A detailed enquiry was conducted and the final order was passed on 31.12.1996 conferring permanent status to 112 labourers, in which the petitioner was one among them.



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4. The 2nd respondent challenged the said order, dated 31.12.1996 in W.A.No.2428 of 2003. During the pendency of the same, the petitioner was absorbed as Mazdoor II Grade Trainee and he was posted at Kuzhithurai in the time scale of pay and later, the 2nd respondent appointed him as Assessor Grade-II at Marthandam and was further promoted as Inspector of Assessment and he worked as Inspector of Assessment till his retirement on 31.05.2019.

5. In the meanwhile, on 24.10.2008, the Hon'ble Division Bench of this Court confirmed the order of the Inspector of Labour, Tuticorin and the petitioner's permanent status reached finality. In view of the same, the petitioner being entitled to all the service and monetary benefits, the petitioner made a request to the 2nd respondent to extent all the benefits from 31.12.1996. The last representation was on 28.07.2022. However, the same was not considered. Hence, this writ petition came to be filed.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

7. Without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representation, dated 28.07.2022 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. No costs.

03.01.2024

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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