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W.P.No.7025 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Reserved on : 11.03.2025

Pronounced on : 02.04.2025

PRESENT:

THE HON'BLE DR. JUSTICE A.D. MARIA CLETE

W.P.No. 7025 of 2020

V.Yuvaraj,
S/o. late Venkatnarayan
747, Trunk Road, Poonamallee,
Chennai – 600 056.

...Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai, Chennai-2
2. The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Sali, Chennai-2
3. The Superintending Engineer,
Generation and Construction Circle,
TANGEDCO, Guindy Chennai – 32.
4. The Controlling Officer,
GCC Stores – 1, TANGEDCO,
Sriperumbudur – 602 105
5. The Deputy Commissioner of Labour (Enforcement)
No.73C, Pallikudathan Street,
Kancheepuram.

...Respondents



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Prayer in W.P. No.7025 of 2020

To issue writ or order or direction more particularly in nature of Certiorarified Mandamus to call for the records in Letter no. 017026/164/G.58/G.562/2016 5 dated 22.11.2016 and quash the same and direct the Respondents to regularize the service of the petitioner from 08.08.1998, the date of identification as contract labourer by the respondent Board as per the Settlement Board Proceedings in B.P.No.44 dated 06.09.2007 and B.P.No.9 dated 09.01.2008 and pass any other suitable order that may be deemed fit and proper.

Appearance of Parties:

For Petitioner : M/s. B.Manoharan,
B.Dhanasekaran,
Sumathi Selvaraj and S.Latha
Advocates
For Respondents 2 & 3 : M/s.T.S.Gopalan& Co.,
Advocates
For Respondents 1,4 &5 : No appearance

JUDGMENT

Heard.

2. The writ petitioner has filed the present writ petition challenging the order passed by the second respondent dated 22.11.2016, whereby it was stated that the petitioner had been engaged as a labourer through various contractors for works carried out between 1990 and 2002. Although his name was identified on 08.08.1998, he had not reported for duty from



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the year 2003 onwards and was also not identified during the verification process in 2007. Owing to his discontinuity from service between 2003 and the date of settlement under Section 12(3) of the Industrial Disputes Act, dated 10.08.2007, he was neither in continuous engagement nor in active service. It was further noted that he had not received any ex gratia payments during the said period. In light of these circumstances, his request for absorption into the Board's service was found to be not feasible for consideration.

3. This writ petition marks the second round of litigation initiated by the petitioner. Earlier, he had filed W.P. No. 138 of 2016, wherein he sought the following relief:—

“A writ of Mandamus to direct the respondents to absorb the petitioner on permanent basis considering the service of the petitioner as a contract labour from 1992 and received exgratia from 1996-2003 as per the report of the 3rd respondent in letter No.3123/Vu.Ni.A/Nir.II/Vu respondents dated 04.03.2014 and representation to the respondents dated 27.8.2015.”

4. However, this Court did not grant the relief sought by the petitioner. While disposing of the writ petition by order dated 06.01.2016, the Court passed the following direction:—



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“5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the petitioner to submit one more representation to the second respondent by enclosing a copy of this order and relevant records within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the said representation on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken to the petitioner.”

5. It was pursuant to the above direction that the impugned order came to be passed. Aggrieved by the said order, the present writ petition has been filed. The writ petition was admitted on 19.03.2020, and the respondents have since entered appearance. In paragraph 4 of the affidavit, the petitioner has acknowledged that he had approached the fifth respondent, and that the said authority, by notice dated 12.02.2020, had requested the TANGEDCO officer to appear for an enquiry. However, no submission has been made by the learned counsel today regarding the conduct or outcome of the said enquiry, despite the lapse of more than five years since the issuance of the notice.

6. However, the learned counsel for the petitioner placed reliance on the order passed by a Division Bench in S. Mohan v. P.Murugesan in W.P. Nos. 5245, 5250 & 5251 of 2020 dated 08.03.2024, wherein the Bench held



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that the petitioners therein were at liberty to approach the Labour Court or any other appropriate forum, as permissible under law, to ventilate their grievance. The petitioner now seeks a similar relief in the present case.

7. It is pertinent to note that the petitioner has already undergone one round of litigation, pursuant to which the respondent TANGEDCO has rejected his request by assigning detailed reasons. For reasons best known to him, the petitioner has thereafter approached the fifth respondent with certain grievances, the outcome of which remains undisclosed. In such circumstances, this Court is not inclined to issue yet another direction merely to enable the petitioner to approach unknown forums.

8. The writ petition, being devoid of merit, is misconceived and is accordingly dismissed. However, there shall be no order as to costs.

02.04.2025

NCC : Yes/ No

Index : Yes / No

Internet : Yes / No

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DR. A.D.MARIA CLETE, J.

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Copy to:

The Assistant Commissioner of Labour (Enforcement)
No.73C, Pallikudathan Street,
Kancheepuram.

Pre-delivery Judgment in
W.P.No. 7025 of 2020

02.04.2025