

W.P.No.9890 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

RESERVED ON : 23.04.2025
PRONOUNCED ON : 29.05.2025

PRESENT:

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

W.P.No. 9890 of 2021

V. Sellapillai,
Son of P.Venkatesan,
No.7/204, Balakrishnan Street,
Cantonment,
Pallavaram, Chennai – 600043.

...Petitioner

Vs.

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
“N.P.K.K.R.Maaligai”
144/800, Anna Salai, Chennai- 600 002.
2. The Superintending Engineer (South II),
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
110 – KV S.S. Compound,
K.K.Nagar, Chennai – 600 078.
3. The Executive Engineer (O & M),
Tambaram Division,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
110 – KV S.S. Compound,
Tambaram, Chennai – 600 045.

...Respondents



W.P.No.9890 of 2021

WEB COPY Prayer in W.P.

To issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd Respondent dated 26.02.2021 in Lr.No.009350/Adm1/A2/F.COURT CASE/2021 and quash the same and consequently direct the Respondents to absorb the Petitioner in the service of the TANGEDCO with all monetary and other attendant benefits and thus render justice.

Appearance of Parties:

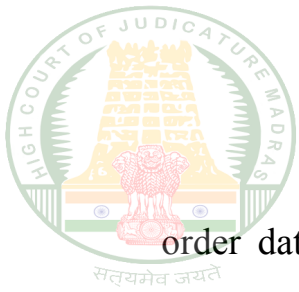
For Petitioner : M/s. K.Selvaraj and Sugirdha Selvaraj, Advocates

For Respondents : Mr.Anand Gopalan, Advocate
For M/s. T.S.Gopalan & Co.

J U D G M E N T

Heard.

2.The petitioner has filed the present writ petition challenging the order dated 26.02.2021 passed by the second respondent, namely, the Superintending Engineer (South II), TANGEDCO, Chennai – 600078. Earlier, the petitioner had approached this Court by way of W.P. No. 10761 of 2020, seeking a direction to the respondent-TANGEDCO to regularise his services in terms of Board Proceedings No. 9 dated 09.01.2008, and to consider his representation dated 09.07.2020. Pursuant thereto, the said representation was disposed of by



W.P.No.9890 of 2021

order dated 26.08.2020. This Court, in paragraph 4 of the order, issued the

WEB following directions:

“4. In that view of the matter, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, requires the concerned authority of TANGEDCO to examine the claim of the Petitioner for absorption in service in terms of the Settlement dated 10.08.2007 entered by TNEB with the Labour Unions under Section 12(3) of the Industrial Disputes Act, 1947, which has been given effect in the Board Proceedings in (Per) B.P. (FB) No. 44 dated 06.09.2007 and Per.B.P. (CHAIRMAN) No. 9 dated 09.01.2008 issued by the Administrative Branch of TANGEDCO, in the following manner:-

- (i)The Petitioner shall submit his application to the Superintending Engineer (South II), TANGEDCO, Chennai along with a copy of the same to the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Eighth Floor, Eastern Wing, NPKRR Maligai, 144, Anna Salai, Chennai – 600 002 supported by relevant documents to substantiate their claim for absorption in service, on or before 30.09.2020;
- (ii) If the concerned authority after the scrutiny of the application is not satisfied with the prescribed requirements or eligibility criteria for extending that benefit to the Petitioner, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 10 working days that may be granted for that purpose.
- (iii)In the event of the concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording opportunity of personal hearing to the Petitioner to explain his position in that regard
- (iv)Thereafter, the application of the Petitioner shall be



W.P.No.9890 of 2021

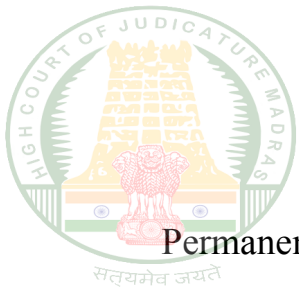
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considered by the concerned authority on merits and in accordance with law dealing with each of the contentions and a reasoned order shall be passed, which shall be communicated to the Petitioner under written acknowledgment by 31.12.2020.

(v)The report of action taken shall be filed in the Registry of this Court by 06.01.2021.”

3.Pursuant to the aforesaid directions, the second respondent passed the impugned order dated 26.02.2021. After setting out the background and circumstances under which the Electricity Board issued Board Proceedings No. 9, the petitioner was informed that he was not eligible for the benefits contemplated therein. The reasons for such rejection were detailed in paragraph 13 of the said order. It is this order that is under challenge in the present writ petition.

4.When the matter was taken up on 21.04.2021, the writ petition was admitted. Pursuant to notice, the second respondent filed a counter affidavit dated 08.06.2022. It was informed that the petitioner was not identified either by the Committee constituted by the Board for the identification of contract labourers on 08.08.1998, or by the Committee formed pursuant to the settlement dated 10.08.2007. It was further stated that the petitioner’s reliance on the provisions of the Tamil Nadu Industrial Establishments (Conferment of

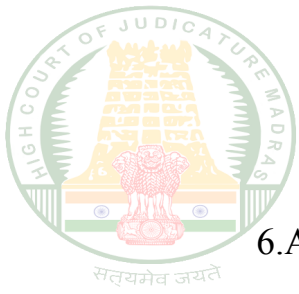


W.P.No.9890 of 2021

Permanent Status to Workmen) Act, 1981 was misplaced and not relevant to the

exercise undertaken by the respondent. Along with the counter affidavit, the 2nd respondent also filed the minutes of the Committee constituted for regularisation of contract labourers not covered by the 12(3) settlement dated 10.08.2007, in accordance with Board Proceedings (PER) B.P. (CH) No. 9 (Administrative Branch), dated 09.01.2008, recorded on 05.01.2021.

5. In light of the factual findings recorded against the petitioner, no grounds are made out for entertaining the writ petition. Learned counsel for the petitioner relied upon certain unreported decisions wherein, in similar circumstances, this Court granted liberty to the petitioners therein to work out their remedies before an appropriate forum. However, this Court is not inclined to grant such liberty in the present case, particularly when the Board Proceedings dated 09.01.2008—under which certain benefits were extended to eligible workmen—are more than 17 years old, and the petitioner's alleged cause of action pertains to events that occurred nearly two decades ago. At this distance of time, no right can be revived by directing the petitioner to approach any unspecified forum. This Court cannot, under the guise of granting liberty, breathe life into a stale or extinguished cause of action.



W.P.No.9890 of 2021

6. Accordingly, the writ petition stands dismissed. There shall be no order

as to costs.

29.05.2025

ay

NCC : Yes / No

Index : Yes / No

Speaking Order / Non-speaking Order

DR. A.D. MARIA CLETE, J

ay

To

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W.P.No.9890 of 2021

Pre-Delivery Judgment made in
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29.05.2025