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W.P.Nos.17971 and 19550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.02.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.17971 and 19550 of 2023 &
W.M.P.Nos.17125 and 17126 of 2023
W.M.P.Nos.18822, 18825 and 18826 of 2023

1. A.Arunvijay
Assistant Engineer
District Rural Development Agency
Collectorate, Thiruvarur
2. R.Karthikeyini
Assistant Engineer
District Rural Development Agency
Collectorate, Cuddalore
3. S.G.Yuvaraj
Assistant Engineer
District Rural Development Agency
Collectorate, Villupuram
4. S.Gokul
Assistant Engineer
District Rural Development Agency
Collectorate, Thirupattur
5. I.Carolin Hema
Assistant Engineer
District Rural Development Agency
Collectorate, Vellore



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6. C.Muthukumaran
Assistant Engineer
District Rural Development Agency
Collectorate, Cuddalore

7. K.Balamurugan
Junior Assistant
District Rural Development Agency
Collectorate, Cuddalore ...Petitioners in W.P.No.17971 of 2023

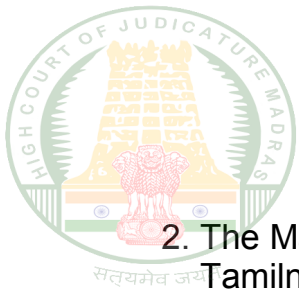
1. S.Kavitha
Assistant Engineer
Tamilnadu Energy Development Agency
Government of Tamilnadu Enterprise
EVK Sampath Maaligai, 5th Floor,
No.68, College Road,
Chennai – 600 006

2. K.Thangappa
Assistant Engineer
Tamilnadu Energy Development Agency
Government of Tamilnadu Enterprise
EVK Sampath Maaligai, 5th Floor,
No.68, College Road,
Chennai – 600 006

3. C.Jeyalakshmi
Assistant Engineer
District Rural Development Agency
Collectorate, Trichy ...Petitioners in W.P.No.19550 of 2023

Vs.

1. The Additional Chief Secretary to Government,
(FAC) Energy Department
Secretariat, Chennai – 600 009



W.P.Nos.17971 and 19550 of 2023

2. The Managing Director,
Tamilnadu Energy Development Agency,
Government of Tamilnadu Enterprise
EVK Sampath Malaigai, 5th Floor,
No.68, College Road, Chennai – 600 006

3. The Project Director,
District Rural Development Agency,
Collectorate, Thiruvarur

4. The Project Director,
District Rural Development Agency,
Collectorate, Cuddalore

5. Project Director,
District Rural Development Agency,
Collectorate, Villupuram

6. Project Director,
District Rural Development Agency,
Collectorate, Thirupattur

7. Project Director,
District Rural Development Agency,
Collectorate, Vellore

... Respondents in W.P.No.17971 of 2023

1. The Additional Chief Secretary to Government,
(FAC) Energy Department
Secretariat, Chennai – 600 009

2. The Managing Director,
Tamilnadu Energy Development Agency,
Government of Tamilnadu Enterprise
EVK Sampath Malaigai, 5th Floor,
No.68, College Road, Chennai – 600 006



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3. The Project Director,
District Rural Development Agency,
Collectorate, Trichy

... Respondents in W.P.No.19550 of 2023

Prayer in W.P.No.17971 of 2023 : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to regularise the services of the petitioners as Assistant Engineers and Junior Assistant respectively in the 2nd respondent office, as per the proposal sent by the 2nd respondent to the 1st respondent in Lr.No.4167/ADMN/2017 dated 13.08.2020 with regular pay and all other services benefits on par with regular employees.

Prayer in W.P.No.19550 of 2023 : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to regularise the services of the petitioners as Assistant Engineers and Junior Assistant respectively in the 2nd respondent office, as per the proposal sent by the 2nd respondent to the 1st respondent in Lr.No.4167/ADMN/2017 dated 12.08.2020 with regular pay and all other services benefits on par with regular employees.

W.P.No.17971 of 2023

For Petitioners : Mr.M.S.GaneshKumar

For Respondents : Mr.M.Suresh Kumar for R1, R3 to R7
Additional Advocate General
Assisted by
Mr.T.M.Rajangam
Government Advocate
Mr.Anand Gopalan for R2 for
M/s T.S.Gopalan & Co.,



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For Petitioners

: Mr.M.S.GaneshKumar

For Respondents

: Mr.M.Suresh Kumar for R1, R3
Additional Advocate General
Assisted by
Mr.T.M.Rajangam
Government Advocate
Mr.Anand Gopalan for R2 for
M/s T.S.Gopalan & Co.,

COMMON ORDER

Since the issue involved in all the petitions are one and the same, they are taken up together and a common order is passed.

2. The brief facts of the case as averred by the petitioners in both the Writ Petitions are as follows:-

The petitioners 1 to 6 in W.P.No.17971 of 2023 are working as Assistant Engineers and the 7th petitioner is working as Junior Assistant in the respondents 3 and 7, as appointed by the 2nd respondent, as directed by the 1st respondent. The petitioners in W.P.No.19550 of 2023 are working as Assistant Engineers in the respondents 2 and 3. In view of vast demand in the energy and to generate the solar energy by various modes and places, the 2nd respondent had been assigned with 12 mega projects running several hundred crores, for which the 2nd



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respondent was paid 2% to 4% charges for executing the same. The petitioners were engaged and executing all 12 mega projects without any pay till date. In appreciation of services, the Hon'ble Minister for Electricity, Prohibition & Excise also made an announcement on the Floor of the Assembly on 13.03.2020 that the State has proposed to regularize our services in the 2nd respondent. The 2nd respondent also sent a detailed proposal dated 12.08.2020 to the 1st respondent and in turn the 1st respondent also sent a letter to the 2nd respondent appreciating the petitioners' services. But all of a sudden, the 2nd respondent failed to pay salary from July, 2022 to the petitioners and on instructions from the 2nd respondent, the respondents 3 to 7 are trying to relieve the petitioners from 16.05.2023. Neither the 2nd respondent can act as an outsourcing agency to the TANGEDCO nor the petitioners can be absorbed into TANGEDCO without concurrence from finance department. Hence these petitions.

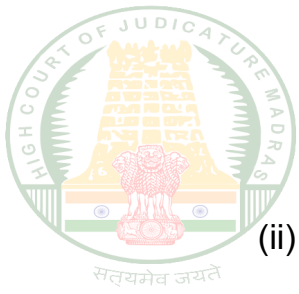
3. Per contra, a detailed counter has been filed by the respondents wherein it is averred as follows:-

(i) By way of G.O.Ms.No.128 dated 12.11.2012, it was decided to engage 89 persons to execute the scheme of Government. Out of the 89 persons, 2 persons were to be through outsourcing agency and 72 persons were to be engaged on a contractual basis. Accordingly, the petitioners were engaged on a



contractual basis for a period of the scheme framed by the Government. Further, the petitioners have not been ousted or denied employment by the respondents as contended by the petitioners, on the contrary, the petitioner and others, have not shown any interest in joining at the locations mentioned in the communication dated 05.09.2022. The respondent organisation has a sanctioned strength of 47 employees as per the details furnished below:

1	Chairman and Managing Director	1
2	General Manager	1
3	Deputy General Manager	4
4	Senior Manager / Public Relation	1
5	Senior Manager / Finance	1
6	Senior Manager / Technical	3
7	Deputy Senior Manager / Accounts	1
8	Deputy Senior Manager / Technical	5
9	Superintendent	2
10	Steno Typist	2
11	Assistant	4
12	Junior Assistant	6
13	Typist	1
14	Driver	5
15	OA Cum Driver	1
16	Technical Assistant	1
17	Record Clerk	1
18	Office Assistant	7
	Total	47

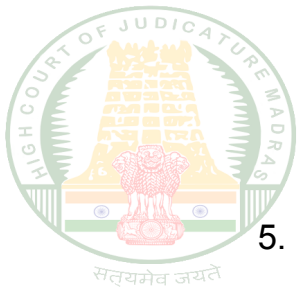


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(ii) The petitioners were recruited only for temporary posts created for specific scheme for specific period and hence the petitioners cannot claim regularisation into the services of the respondent. Also, the petitioners were aware that their job was on a temporary basis and the same is evident from the appointment order, further, there cannot be any reliance placed on the proposal made by the Minister in the Legislation.

(iii) After June, 2022, the petitioners service were utilized only to conduct GCRT SC Phase II inspection, the Government had directed that there should be no continuance of contract employees beyond 10.07.2022 and after obtaining willingness, the petitioners were asked to report for work with TANGEDCO, however, the District Level Inspection login has not been provided by TANGEDCO in its capacity as implementing agency, since Tamilnadu Energy Development Agency [for brevity, TEDA] is only nodal agency responsible for finalizing the process flow of the schemes, thereby pleaded to vacate the interim injunction granted by this Court.

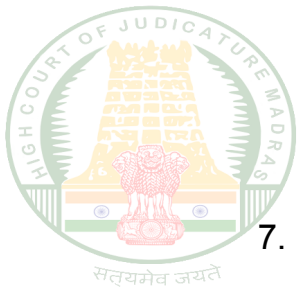
4. Heard the learned counsel on either side and perused the documents placed on record.



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5. It is to be noted that the Government has never accepted the proposal to regularise the services of the petitioners and the Government in its letter dated 11.07.2022, rejected the claim of regularizing the petitioner and further directed that there should be no continuance of contract employees beyond 10.07.2022. Further, in pursuance to the letter dated 05.05.2022 by the petitioners, the respondents had sent a letter to the Chairman, TANGEDCO requesting to absorb 53 persons including the petitioners into the services of TANGEDCO. Thereafter, the Chairman, TANGEDCO vide letter dated 27.07.2022 agreed to utilize the services of the 53 persons, on contractual employment, provided their services were continued on the rolls of TEDA.

6. At this juncture, it is to be noted that the petitioners were engaged pursuant to the G.O.Ms.No.128 dated 12.11.2012 on a contractual basis to carry out certain schemes and projects. The petitioners were informed vide communication dated 05.09.2022 that pursuant to an arrangement between TEDA and TANGEDCO, the petitioners were engaged on the same terms and conditions and deputed to work for TANGEDCO. In pursuant to the said communication out of 53 individuals, 34 had joined at the transferred locations and are working as on date, whereas the petitioners had not reported for work. The petitioners were advised about the fact of closing the scheme.



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7. Moreover, taking into consideration of the oral prayer of the petitioners, the TEDA under humanitarian grounds considered the need to provide further job assistance to the petitioners and accordingly, made an arrangement with TANGEDCO to utilize the services of all the individuals after obtaining necessary willingness from all the individuals and only based on the willingness of the petitioners, they were instructed to report before the TANGEDCO. It is for the petitioners to avail the opportunity of providing the alternate job offer on contract basis at TANGEDCO as already availed by the other individuals.

8. With regard to the claim of salary of the petitioners from July, 2022 is concerned, it is no doubt true that the petitioners, who were engaged in the post on contract basis were not allowed / permitted by the Government beyond 30.06.2022, however, the petitioners' representation were considered on humanitarian grounds and arrangements were made with TANGEDCO to all the individuals.

9. When the Government vide its letter dated 11.07.2022 rejected the claim to regularise the petitioners and further vide letter dated 27.07.2022, upon request of the petitioners, the Chairman TANGEDCO agreed to utilize the services of the 53 persons, that too on contractual employment, provided their services were continued on the rolls of TEDA, also, it is the petitioners, who have



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not taken up the contractual engagement that had been extended to them, therefore, the prayer of the petitioners seeking to regularize them cannot be granted. Also with regard to the payment of salary, if any, to be payable to the petitioners, the same shall be paid by the respondents in accordance with law.

In the result, the Writ Petitions are dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No;

Internet : Yes / No

Speaking Order / Non Speaking Order

ssd

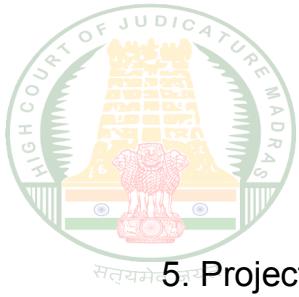
To

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V.BHAVANI SUBBAROYAN, J.

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