



WEB COPY



W.P. No. 30223 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 30223 of 2018

M. Latha

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation & Distribution Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation & Distribution Corporation,
No.144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer,
Mettur Thermal Power Station - I,
Tamil Nadu Generation & Distribution Corporation,
Mettur Dam – 636 406.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to Rejection Order in Memo No.027542/104/G. 562/2018-1, dated 14.09.2018 on the file of the second respondent, quash the same and direct the respondents to absorb the petitioner as regular worker in the light of the order passed in Memo No.081451/1310/G42/G422/2017-1, dated 28.09.2017 on the file of the second respondent and to repost the petitioner in the existing vacancy as Full Time regular employee with all attendant benefits instead of Part Time Conservancy Workers.



WEB COPY



W.P. No. 30223 of 2018

For Petitioner : Mr. M. Sabash
For Respondents : Mr. A.P. Venkatesh Prasad,
for M/S. AGAM Legal Associates

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to Rejection Order in Memo No.027542/104/G. 562/2018-1, dated 14.09.2018 on the file of the second respondent, quash the same and direct the respondents to absorb the petitioner as regular worker in the light of the order passed in Memo No.081451/1310/G42/G422/2017-1, dated 28.09.2017 on the file of the second respondent and to repost the petitioner in the existing vacancy as Full Time regular employee with all attendant benefits instead of Part Time Conservancy Workers.

2. The case of the petitioner is that, she was appointed as part time Sweeper by the respondents' board on 04.04.2003 and working for 20 years, as on date. Though the respondents are contending that she has been assigned only for a period of two hours in a day, the respondents used to extract work from the petitioner for more than 5 hours and they have made to work till Evening, every day.

3. The grievance of the petitioner is that, though she was appointed as part time worker, she was not brought into regular time scale of pay from her original date of appointment. Accordingly, the petitioner made a representation to the



respondents on 10.11.2017. Subsequently, she filed a writ petition in W.P. No. 32760 of 2017 before this Court and the same was disposed of by order dated 26.06.2018, directing the second respondent therein to consider and dispose of the representation of the petitioner dated 10.11.2017, in accordance with law.

4. Pursuant to which, the respondents rejected the representation of the petitioner vide Memo dated 14.09.2018. Challenging the said rejection order dated 14.09.2018, the petitioner has constrained to file the present writ petition.

5. During the course of hearing of this case, the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents both placed reliance on the judgment of a Division Bench of this Court dated 18.06.2024 in W.A.Nos.1478 and 1479 of 2022.

6. This Court carefully perused the said judgment. It appears that in the case of similarly situated persons against the order of the learned Single Judge, the respondents Board preferred these writ appeals.

7. The facts in those cases and in the present case are identical, in view of the same, this Court intends to follow the said judgment in toto. Without going into the



further merits of the present case, to meet the interest of justice, the relevant paragraph of the said judgment is extracted herein under: -

“11. The prayer, as sought for by the respondent employess, to regularize their service, the issue has already been decided by the Hon'ble Supreme Court in a catena of judgments, which are to the effect that regularization of service is not permissible under law for a part time employee, compared to regular employees. However, the learned counsel for the appellant Board fairly stated that if any future regular vacancy arises in the appellant board, based on seniority, these respondents will be considered for employment as scavenger and sweeper etc., in such regular vacancy. For the present, as there is no regular vacancy, the request of the respondent employees for regularization cannot be considered.”

8. By following the said judgment, the present Writ Petition is disposed of with the following direction: -

i) Considering the stand of the respondents Board that they will consider the petitioner's case for appointment as full time regular employee in future, when regular vacancy arises.

ii) The order impugned in the present writ petition is set aside.

iii) If the petitioner is working more than two hours, then the respondents Board is directed to pay her additional wages for the extra hours, proportionate to the wages presently paid.



W.P. No. 30223 of 2015

iii) If any regular vacancy arises in future, the respondents have to consider the petitioner for appointment as full time regular employee in such regular vacancies.

9. There shall be no order as to costs.

08.01.2025

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Chairman,
Tamil Nadu Generation & Distribution Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation & Distribution Corporation,
No.144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer,
Mettur Thermal Power Station - I,
Tamil Nadu Generation & Distribution Corporation,
Mettur Dam – 636 406.



WEB COPY



W.P. No. 30223 of 2018

BATTU DEVANAND, J.

AT

W.P. No. 30223 of 2018

08.01.2025