



W.P.(MD)No.12207 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.12207 of 2018
and W.M.P.(MD)No.11105 of 2018

V.Thavasi

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002
- 2.The Superintendent Engineer,
Office of the Superintending Engineer,
Tamil Nadu Electricity Board,
K.Pudur, Madurai - 625 007
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Usilampatti - 625 532, Madurai District.
- 4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Town / Elumalai.



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WEB COPY 5.K.Selvarajan

6.M.Pandian

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent herein relating to his impugned proceedings in the Ku.No.3248/016942/Me.Po/Ma.Me.Pa.Va/Mdu/Nee.Aa/Nee.Mai/Nee.Pee/Oo1/15 dated 05.01.2016 and quash the same directing the 2nd respondent to promote the petitioner to the post of Wireman above the names of the Respondents 5 and 6 from 08.08.1998 the date of identification along with consequential benefits.

For Petitioner : Mr.K.Gokul

For Respondents : Ms.P.Malini for
M/s.T.S.Gopalan for R1 to R4

ORDER

The petitioner herein claims to have joined as Contract Labour under the Assistant Divisional Engineer O & M, Elumalai on 27.05.1980 ahead of respondents 5 and 6 herein and continued as contract labour for quite long time



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and thereafter, the petitioner identified as one of the contract labour for absorption during the year 1988. However, he was not absorbed into regular service. It is the further contention of the learned counsel appearing for the petitioner that respondent Nos.5 and 6 though were appointed subsequent to the petitioner as contract labour, they were absorbed as regular employees during the year 1998 and thereafter their services were regularised with effect from 08.08.1998. But the petitioner was absorbed only during the year 2005 and subsequently, he was granted permanent status as mazdoor grade II trainee through proceedings dated 27.05.2006. However, the respondents without taking into consideration the initial appointment of the petitioner as contract labour during the year 1980 have conferred the benefit of promotion as wireman in favour of respondent Nos.5 and 6 ignoring the claim of the petitioner.

2. This Court has carefully considered the submissions made by the learned counsel for the petitioner and also the contentions raised in the affidavit filed in support of this Writ Petition.



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WEB COPY 3. The case of the petitioner as set up in the affidavit filed in support of this Writ Petition itself would disclose that the petitioner was absorbed and granted permanent status only on 27.05.2006 and whereas, the respondents 5 and 6 were absorbed and granted permanent status with effect from 08.08.1998 ie., march ahead of the petitioner herein. Neither the permanent status granted in favour of respondents 5 and 6 is under challenge nor the date of permanent of status assigned in favour of the petitioner through proceedings dated 27.05.2006 is under challenge. In the absence of any challenge to either of the proceedings referred to above, the question of petitioner making a claim as senior to the respondents 5 and 6 is totally baseless. The initial appointment as contract labour has no relevancy at all once the respondents 5 and 6 were absorbed and regularised as permanent employees of the respondents board. Thus, on his own case, respondents 5 and 6 are admittedly seniors as permanent employees in the respondents board and therefore, the claim of the petitioner for promotion on par with respondents 5 and 6 claiming that he is senior to them is baseless and this Court does not find any merit in the Writ Petition nor any error or illegality in the impugned order passed by the respondents Board.



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WEB COPY 4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.03.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm

To

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