



W.P.(MD).No.18529 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.18529 of 2025

and

WMP(MD).No.14208 of 2025

N.Kalimuthu

...Petitioner

Vs

1. The Principal Secretary to Government,
Department of Energy,
Secretariat,
Chennai 600 009.

2. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai,
Chennai 600 002.

3. The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Thennur,
Tiruchirappalli 620 017.

4. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Mannarpuram,
Tiruchirappalli 620 020.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 4th respondent bearing Letter No. 186/Adm.4/A.2/F.Court Case / 2022 dated 29.07.2022 and quash the same as arbitrary, illegal and unconstitutional and consequently direct the respondents herein to pay the petitioners back wages within a time frame as may be fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. K.Kevinkaran
For Respondents : M/s.M. Siddharthan,
Additional Government Pleader
For R1
M/s.Anandgopalan
For R2 to R4

ORDER

This writ petition is filed challenging the impugned order passed by the 4th respondent bearing Letter No. 186/Adm.4/A.2/F.Court Case / 2022 dated 29.07.2022 and seeking consequential direction to the respondents herein to pay the petitioners back wages.



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2. The learned Counsel for the petitioner would submit that he had been working in the department as contract labour and he had also been benefited with the order of the Labour Court in claim petition No.19 of 2007 to pay the *Ex-gratia* amount. The said order has become final and that has not been challenged. In the order impugned herein, the claim of the petitioner for absorption has been rejected solely on the ground that there has been no *Ex-gratia* payment made to him and that he had not continuously worked for more than 480 days apart from being identified by the committee of officers either on 1998, 2005 or November 2007 to deny him the absorption. However, the learned Counsel for the petitioner also pleaded that he had been abruptly retrenched from employment without any show cause notice and without following the relevant section 25F of the Industrial Dispute Act.

3. When the petitioner himself had admitted that he had been retrenched it is only proper for him to approach the authorities under the Industrial Disputes Act by raising the dispute for wrongful retrenchment. When there is admittedly a retrenchment, the claim for absorption cannot be entertained in this writ petition.



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4. For the aforesaid reasons, this writ petition is dismissed, however, the petitioner is at liberty to approach the Industrial Disputes tribunal by raising dispute in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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To:

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K.KUMARESH BABU, J.

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