

(2011) 03 MAD CK 0144
In the Madras High Court
Case No : Writ Petition No. 29652 of 2008

M. Shankar

APPELLANT

Vs

The Chairman Tamil Nadu Electricity Board, The
Superintending Engineer , The Assistant Engineer O and M
TNEB and The Assistant Engineer O and M TNEB

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Citation : (2011) 03 MAD CK 0144

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : Saranya, for R. Thamarai Selvan, for the Appellant; M.
Vaidyanathan, for the Respondent

Judgement

R. Sudhakar, J.—This writ petition is filed to call for the records of the 2nd Respondent in his proceedings Ka. No. 010531/1424/ Ni. Pi.2/

Assr.2/Co. Oo. Tho./08, dated 25.10.2008, quash the same and consequently direct the Respondents herein to absorb the Petitioner as regular

employee of the Board and issue Time Card to him to serve as Contract Labourer of the Tamil Nadu Electricity Board.

2. Heard Ms. Saranya, learned Counsel appearing for the Petitioner and Mr. Vaidyanathan, learned Counsel appearing for the Respondents.

3. The Petitioner claims that he was working as a contract labor from 1995 to 2002 under the Respondents-Board. He made a representation for

regularization and for issuance of time card/identity card. The representation gave a representation dated 25.6.2008, which was not considered by

the Respondents and hence the Petitioner filed W.P. No. 17374 of 2008, wherein this Court by an order dated 18.08.2008 in W.P. Nos. 17374

& 17375 of 2008 directed the Respondents to consider the representation of the Petitioner dated 25.06.2008 and accordingly, the claim of the

Petitioner was considered and the impugned proceedings dated 25.10.2008 was passed stating that after 03.09.2002, the Petitioner did not report

to duty and therefore, in terms of the Board Proceeding No. 44/Admn., dated 6.9.2007, the plea for regularization and issuance of time card could

not be considered and the claim was rejected. Hence, the present writ petition.

4. On notice, Sri Vaidyanathan, learned Counsel appearing for the Respondents submitted that on 9.1.2008, the Chairman issued a Board

Proceedings No. 9 in continuation of the Board proceedings No. 44/Admn. dated 6.9.2007, which reads as follows: page.2.

PROCEEDINGS:

In the Board proceedings read above, orders have been issued for absorption of about 21,600 Contract Laborers, who are paid excreta for the year 2005-06, in a phased manner.

2) Representations have been received from the large No. of contract laborers stating that they have received ex-gratis payment for certain years

and the same was discontinued subsequently and requested for ex-gratis payment and absorption.

3) Similarly, a number of contract laborers have also represented that they are not paid excreta though they have been engaged regularly on need

basis for No. of years and requested for excreta payment and absorption.

4) The Board has decided to consider the absorption of contract laborers who are paid ex-gratis, based on the settlement date. 10.8.2007 signed

by the representatives of the Board and the Unions. Accordingly, orders were issued in the Board Proceedings read above.

5) As the contract laborers not covered by the settlement referred to above are frequently representing, stating that there is omission, Board after

careful consideration has decided to examine the cases of such contract Laborers, who are left out for payment of excreta.

6) Accordingly the Board hereby constitutes a committee consist of the following officers to examine the cases of contract laborers not covered by

12(3) settlement date. 10.8.2007 for absorption.

i) Member (Accounts)

- ii) Member (Distribution)
- iii) Secretary
- iv) Chief Engineer/Personnel)
- v) Senior Personnel Officer/Labor.

7. The terms of reference of the above committee are as furnished in the Annexure to this Board Proceeding. The Chief Engineer/Personnel will be the convener of the committee.

In terms of the above said Board proceedings dated 9.1.2008, the committee will examine the claim of the Petitioner on merits if a suitable

direction is issued to the Petitioner to appear before the Committee.

5. In view of the subsequent events and the issuance of Board Proceedings No. 9, dated 9.1.2008, the Petitioner is directed to approach the

committee constituted by the Board Proceedings No. 9, dated 9.1.2008 along with a copy of this order and produce all relevant records to

consider his claim for regularization and for issuance of a time card. Such exercise to be completed expeditiously.

6. This writ petition stands disposed of with the above directions. No costs.