



W.P.No.15679 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 01.07.2026

Pronounced on : 03.07.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.15679 of 2009
and M.P.Nos.1 to 3 of 2009

P.Ramalingam

... Petitioner

vs

1. The Chief Engineer,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai -2.

2.The Chief Engineer (Distribution)
Tamil Nadu Electricity Board,
Trichi Division, Thennur,
Trichy – 17.

3.The Superintending Engineer,
Nagai Electricity Distribution Circle,
Nagapattinam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for records in respect of the aforesaid panel for promotion issued by the 3rd respondent herein dated 22.10.2008 in Ku.A.No.515/Ni.P.3/U.1/Ko.Ta.Pe.List/(Panel)/2008 and his consequential



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order of appointment dated 20.05.2009 in KU.A.No.314/Ni.P.3/U,1/Ko.Kalapani A Mu Pa U/09 and quash the same and consequently direct the respondents herein to fix the name of the petitioner herein over and above the immediate junior to the petitioner and promote the petitioner herein for the post of Foreman Grade I by complying with the 12(3) I.D.Act settlement proceedings of the 1st respondent herein dated 12.12.2005 in B.P.(Ch).No.256 (Administrative Branch).

For Petitioner : Ms.D.Jeevitha
for Mr.R.Nalliyappan
For Respondents : Mr.K.Purushothaman
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the records.

2. The case of the petitioner in brief is that he was appointed in the 3rd respondent Department on 01.04.1977 and was subsequently promoted as Helper on 01.04.1980 and thereafter as Wireman on 03.06.1983 and finally promoted as Line Inspector on 28.03.2007. The petitioner contended that from the post of



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Helper, two options i.e., two channel promotion were provided for promotion upto Foreman Grade-I; that his name was placed at Sl.No.35 in the seniority list in the year 1992 and it was raised to Sl.No.20 in the year 1993 and subsequently in the year 2008, he has been placed in 59th place.

3. The petitioner further contended that a settlement under Section 12(3) of the I.D.Act was arrived at between the respondent Board and its workmen on 15.10.2005 and was given effect vide Board proceedings dated 12.12.2005; that a challenge was made to the said proceedings before this Court in W.P.No.17026 of 2006; that this Court did not find favour to quash the said proceedings, however, vide order dated 09.02.2009 while directed the first respondent that the impugned promotion system should not be given effect until the list of the petitioners in the above petition is exhausted; that the 3rd respondent herein by misconstruing the order of this Court, had requested the second respondent to cancel the seniority list prepared on the basis of 12(3) settlement arrived at under Industrial Disputes Act and prepare new seniority list/panel giving preference to Commercial Assistant over Wireman who are categorised under technical category of promotion; that the



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3rd respondent cancelled the original seniority list which was drawn based on the post of Helpers and a new list was prepared vide proceedings dated 22.10.2008, wherein, the name of the petitioner was omitted.

4. It is the further case of the petitioner that on the 3rd respondent drawing up seniority list, wherein, his name was omitted, he had submitted his objection through proper channel; that the respondents despite receiving his objection without considering the same, promoted 60 members vide proceedings dated 20.05.2009; that due to non consideration of the objection submitted by him through proper channel, the juniors of the petitioner were promoted as Foreman Grade-I. Hence, this writ petition.

5. On behalf of the respondents, it is contended that respondents had published seniority list of employees who became eligible for promotion vide proceedings issued in October 2010; that the above list of Line Inspectors eligible for promotion was duly circulated; that the respondents had also indicated that if anybody has any objection to the said seniority list, they can file an appeal through Superintendent Engineer within 10 days from receiving the said seniority list; that



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the petitioner did not raise any objection or file appeal against the seniority list; and that as no objection or appeal was filed, the seniority list was finalised and based on the said finalised seniority list, promotions were granted to the eligible candidates vide proceedings dated 20.05.2009 i.e., after about a lapse of more than 6 months after publishing the seniority list; and that the petitioner having chosen to remain silent cannot claim his objection to the seniority list has not been considered or his name has been omitted from being included in the panel.

6. Contending as above, the respondents seek for dismissal of the petition.

7. I have taken note of the respective contentions urged.

8. It is a settled position of law that on declaration of seniority list, if any employee finds any omission or error as to exclusion of his name or seniority at which he is placed, is required to file objections or appeal to the concerned within the time granted, so that the said claim can be looked into before finalising the seniority list, on the basis of which promotion to the next level are affected. Though the petitioner in the present facts of the case had claimed of he having



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submitted objections to the proceedings of the 3rd respondent dated 22.10.2008, through proper channel, no material is placed before this Court to show such objections having been raised through proper channel within time prescribed in the proceedings dated 22.10.2008 and the respondents ignoring the said objections filed in time, having finalised the seniority list.

9. The petitioner having remind silent on the 3rd respondent issuing/publishing the eligibility list/panel for promotion on 22.10.2008, cannot lay a challenge to the promotion list/eligibility list/panel, after the same has attained finality and the respondents acting thereon subsequently by granting promotions.

10. It is a settled position of law that seniority list which has attained finality should not to be disturbed/unsettled normally as the same would have catastrophic effect [See: *V.Vincent Velankanni Vs. Union of Inda and others - 2024 SCC online 2642*]

11. This Court also had on occasion to consider a challenge the double channel promotion system introduced vide B.P.M.S. No. 123 dated 01.03.1980 and the subsequent role back based on the demand of the Unions in the case of



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K.Kaliyan and another vs. Tamil Nadu Electricity Board and others vide

W.P.Nos.49914 of 2006 and 24646 of 2007 dated 12.06.2026 and found the challenge therein to be without any merits.

12. In the facts of the present case, the petitioner having not raised any objection to the seniority list/eligible panel, wherein his name was found excluded/omitted and having allowed the said seniority/eligibility list to attain finality, and subsequently being acted upon, by granting promotion to the employees mentioned therein, this Court is of the view that the challenge in the present writ petition is belated.

13. Further, the petitioner while approaching this Court laying challenge to the promotion list as well as seniority list did not choose to array the beneficiaries as respondent in the present writ petition and in absence of the beneficiaries being arrayed as party respondent, also results in petitioner not being entitled to be granted any relief by dislodging the employees who had already been granted promotions.

14. In view of the above, the present writ petition as filed is devoid of



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merit and is accordingly, dismissed. No costs. Consequently connected miscellaneous petition is closed.

03.07.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

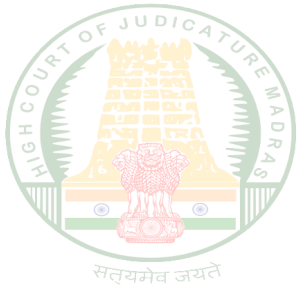
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To

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T. VINOD KUMAR, J.

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Pre-delivery order made in
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