

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24460 of 2015

N.Baskaran

... Petitioner

Vs.

The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity
Generation and Distribution
Corporation Ltd.,
Vellore.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to promote the petitioner to the post of Foreman I Grade from the date on which his junior was promoted by duly fixing his seniority and consequently grant all attendant benefits both service and monetary, by considering his representation dated 10.10.2014.

For Petitioner : Mr.G.Ananda Kumar

For Respondent : Mr.M.Fakir Mohideen

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he joined the services of the respondent as a Helper on 10.09.1987 and was promoted as Commercial Assistant on 03.07.1992 and given further promotion as Commercial Inspector during April, 2009 and according to him the next avenue for promotion to the post of Commercial Inspector is Foreman I grade.

3.It is further stated by the petitioner that the respondent vide memo dated 08.05.2001 has issued seniority list of wireman / commercial assistant and equivalent categories in respect of the respondent circle and his name finds place in the seniority list as Serial number 101. Thereafter, vide memo dated 11.09.2002, the respondent issued approved and non approved panel to the post of wireman / commercial assistant and equivalent categories in respect of the respondent circle for promotion to the post of Commercial Inspector from Commercial Assistant and to his shock and surprise, he found that his name was omitted from the said panel. The petitioner

in this regard has submitted a representation and he was issued with a charge memo on 04.09.2002 alleging certain allegations and he was imposed with stoppage of next annual increment without cumulative effect excluding the period spend by him on leave vide order dated 22.05.2004.

4.It is the specific claim of the petitioner that during May, 2002 no disciplinary proceedings were pending against him and during the currency of the period also there was no charge memo or punishment and without taking into consideration the vital aspect, the name of the petitioner has been omitted in the panel for promotion and the petitioner in this regard also submitted a representation dated 10.10.2014 to the respondent praying for fixation of seniority and promote him on par with his juniors. Since the said representation has not been disposed of, the petitioner came forward to file this writ petition.

5.Heard the submissions of Mr.G.Ananda Kumar, learned counsel appearing for the petitioner and Mr.M.Fakir Mohideen, learned Standing Counsel who accepts notice on behalf of the respondent.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected either in his representation or in his writ petition directs the respondent to consider and dispose of the petitioner's representation dated 10.10.2014 on merits and in accordance with law after putting on notice the persons concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the persons concerned.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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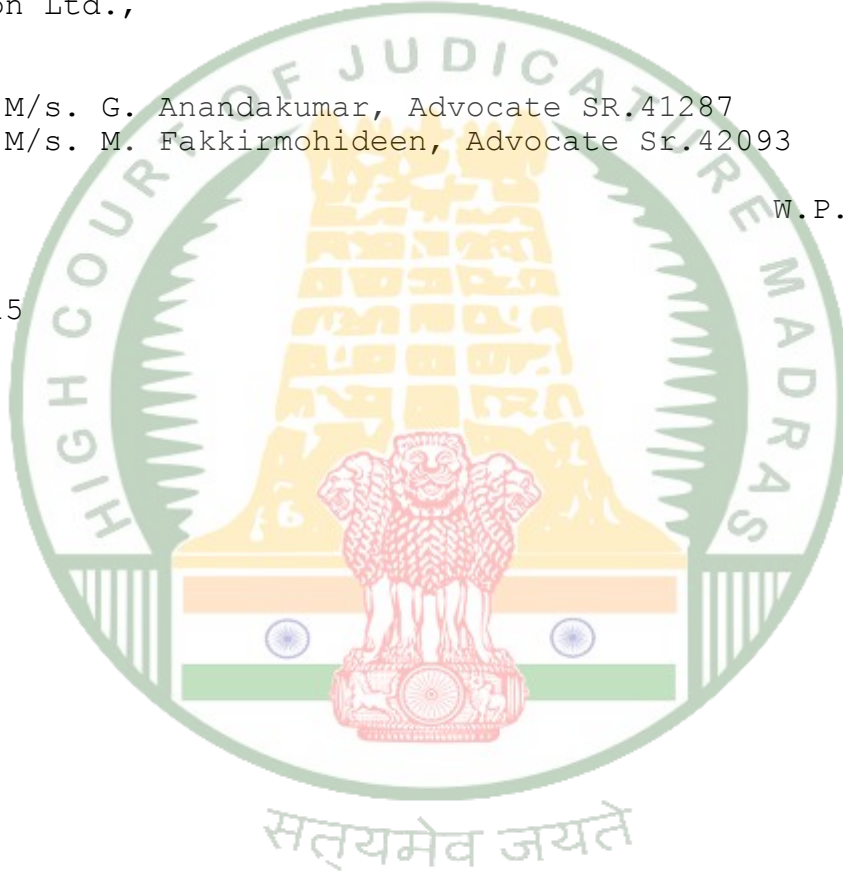
The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution
Corporation Ltd.,
Vellore.

+ 1 cc to M/s. G. Anandakumar, Advocate SR.41287

+ 1 cc to M/s. M. Fakkirmohideen, Advocate Sr.42093

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PPA(CO)
EU 26.08.15



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