

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27662 of 2015

V.Sivaraman

... Petitioner

-Vs-

1. The Tamil Nadu Electricity
Generation and Distribution Corporation Ltd.
(TANGEDCO) Rep by its Chairman NPKRR
Maligai 10th Floor No.144 Anna Salai
Chennai-600 002
2. The Chief Engineer (Personnel)
TANGEDCO NPKRR Maligai 8th Floor No.144
Anna Salai Chennai-600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 03.09.2014 and to grant promotion to the post of Assistant Accounts Officer on the date of retirement on 31.01.2007 on notional basis as it was done to other similarly placed persons with consequential monetary and retirement benefits including revision of pension on the premises that the petitioner was included in the panel issued (Per) B.P(Ch).No.36 Administrative Branch dated 27.01.2007 and it was operated on 31.01.2007.

For Petitioner : Mrs.G.Sankaran

For Respondents : Mr. R.Varalakshmi TNEB

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, who was initially appointed as Junior Assistant in the then services of first respondent, got promoted to the post of Assistant and further got promoted to the post of Accounts Supervisor in the year 1991.

3. The petitioner would state that the next avenue of promotion from the Accounts Supervisor is to the post of Assistant Accounts Officer and he was fully qualified to get promotion to the said post and his name was also included in the panel to the said post. As per (Per) B.P.(Ch).No. 36 Administrative Branch dated 27.01.2007, it is further stated by the petitioner that he was due to retire from service on reaching the age of superannuation on 31.01.2007. The petitioner has also sent a representation for selection of his name for promotion to the said post. However, the second respondent issued orders on 31.01.2007 giving promotion to the persons included in the panel upto Sl.No.35 and consequently, he was not given promotion and retired on that date. Thereafter, the petitioner was repeatedly corresponding with the respondents to give a notional promotion to the said post and confer him with other consequential benefits and it is the specific stand of the petitioner that in respect of one K.Mohandoss, who is also similarly placed and his claim was positively placed by the second respondent and he was given notional promotion to the said post vide proceedings dated 20.12.2007 and in this regard, the petitioner submitted a representation on 03.09.2014 to the second respondent and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of the learned counsel for the petitioner.

5. Mrs.R.Varalakshmi, learned standing counsel accepts notice on behalf of R1 and R2 and would submit that the petitioner has admittedly retired during the year 2007. Having waited for nearly seven years, the petitioner has submitted a representation during the year 2014 and since it is a stale claim and that the petitioner is also guilty of delay and laches, his representation may not be directed to be considered by the respondents.

6. This Court has carefully considered the rival submissions and also materials placed before it.

7. Though the petitioner has prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 03.09.2014, after providing the petitioner an opportunity of personal hearing and pass orders in accordance with law 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.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
The Tamil Nadu Electricity
Generation and Distribution Corporation Ltd.
(TANGEDCO) NPKRR Maligai
10th Floor No.144 Anna Salai
Chennai-600 002
2. The Chief Engineer (Personnel)
TANGEDCO NPKRR Maligai 8th Floor No.144
Anna Salai Chennai-600 002.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.47610

+1cc to M/s.R.Varalakshmi, Advocate, S.R.No.47784

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RSI(CO)
CA(23/09/2015)

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