

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 449 OF 2015

ORDER:

The petitioner herein challenges the order passed by the Chief Engineer on 31.12.2014 on the ground that it is contrary to the decision of the 1st respondent contained in G.O.O.No.283/JS(Per)/2008, dated 05.09.2008 and that the Chief Engineer does not have the competence to prepare the final seniority list.

At page 16 of the Writ Petition paper book, a copy of the orders contained in G.O.O. No. 283, dated 05.09.2008 issued by the 1st respondent GENCO has been placed. The order relates to the amendments carried out to the service regulations specified through B.P.Ms. No. 418, dated 28.01.1995. The amendments carried out relate to the appointing authority. Insofar as the Sub-Engineers are concerned, as per the amendment now made, the Managing Director has been constituted as the appointing authority. The next amendment dealt with the unit of operation. It specified that for the category of Sub-Engineers, the unit of operation is zone and hence, the lien and seniority and the roster points shall be maintained at the headquarters zone-wise for the cadre of Sub-Engineers. From this amendment, I fail to gather that it is the Managing Director, who is the competent authority to prepare the seniority list. On the other hand, the amendment merely specified that the Managing Director is the appointing authority. Preparation of a seniority list is to be carried out at the headquarters. Therefore, the contention canvassed by the learned counsel for the petitioner that it is only the Managing Director, who can prepare the seniority list, but not the Chief Engineer, as per the orders contained in G.O.O. No. 283, according to me, does not hold any water.

This apart, the Chief Engineer has passed the order dated 31.12.2014 as a measure of compliance with the judgment rendered by this Court. Therefore, if the petitioner is in any manner, aggrieved

by the judgment rendered by this Court, he ought to have initiated necessary legal proceedings in that regard, but he cannot prevent implementation of the judgment by instituting a separate Writ Petition.

I therefore, do not find any merit in this Writ Petition and it is accordingly, dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

20th January 2015

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