

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. Nos.34265 of 2014 and 7271 of 2015

M.Ashok Kumar .. Petitioner in W.P. No.34265 of 2014

L.N.S.Sankaranarayanan .. Petitioner in W.P. No.7271 of 2015

-vs-

1.Tamil Nadu Generation and Distribution Corporation (TANGEDCO), rep. by its Chief Managing Director, No.144, Anna Salai, Chennai-600 002. .. 1st respondent in W.P. No.34265 of 2014

1.Tamil Nadu Generation and Distribution Corporation (TANGEDCO), rep. by its Chairman cum Managing Director, No.144, Anna Salai, Chennai-600 002. ...1st respondent in W.P. No.7271 of 2015

2.Tamil Nadu Generation and Distribution Corporation (TANGEDCO), rep. by its Secretary, No.144, Anna Salai, Chennai-600 002.

3.Tamil Nadu Generation and Distribution Corporation (TANGEDCO), rep. by its Chief Engineer (Personnel), No.144, Anna Salai, Chennai-600 002.

4.C.Veeramani ... Respondents 2 to 4 in both W.Ps

Prayer in both cases: Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the impugned orders issued by the second respondent in Ref. No.CE/Personnel/Adm.Branch, Chennai, Memo No.085850/582/G55/G552/2010 dated 17.04.2012 (Ex-A),

CE/Personnel/Adm.Branch, Chennai, Memo No.027916/186/G1/G11/2021-1 dated 14.05.2012 (Ex-B) and (per) CMD TANGEDCO Proceedings No.130 dated 05.05.2014 (Ex-C) and quash the same and consequently direct the second respondent to restore the original seniority of petitioner in the cadre of Assistant Engineer (Mechanical) and subsequent promoted cadres.

For Petitioners
in both petitioners: Mr.N.G.R.Prasad for
M/s.Row and Reddy

For Respondents
in both petitioners: Mrs.R.Varalakshmi,
Standing Counsel for R1 to R3
Mr.R.Krishnamurthy,
Senior Counsel for
Mr.S.Elamurugan for R4

COMMON ORDER

These writ petitions have been filed by the petitioners M.Ashok Kumar and L.N.S.Sankaranarayanan, challenging the impugned orders issued by the second respondent in Ref. No.CE/Personnel/Adm.Branch, Chennai, Memo No.085850/582/G55/G552/2010 dated 17.04.2012 (Ex-A), CE/Personnel/Adm.Branch, Chennai, Memo No.027916/186/G1/G11/2021-1 dated 14.05.2012 (Ex-B) and (per) CMD TANGEDCO Proceedings No.130 dated 05.05.2014 (Ex-C) and directing the second respondent to restore the original seniority in the cadre of Assistant Engineer (Mechanical) and subsequent promoted cadres.

2.After hearing the arguments advanced by both the learned counsel, on 22.10.2014, this Court has passed the following order:

"Learned counsel appearing for the petitioner submitted that as per the proceedings of the official respondents, the clarification of the private respondent/R4 itself is questioned. Therefore, he cannot be promoted to the next post.

Considering the said submission, there shall be an order of status quo, as on today, insofar as the promotion of the 4th respondent is concerned."

3.Pursuant thereto, the Secretary for Chairman cum Managing Director, Tamil Nadu Generation and Distribution Corporation Limited has issued a letter No.2642/A20/A202/2016-7 dated 28.03.2016 wherein in para 6, it has been held as follows:

"6. Therefore, it has been decided to upgrade the post of Superintending Engineer/Mechanical held by Thiru C.Veeramani as Chief Engineer/Mechanical with effect from the date of joining of his junior Thiru P.Karuppiyah, Chief Engineer/Mechanical, without causing prejudice to the petitioners Tvl.M.Ashok Kumar and Thiru L.N.S.Sankaranarayanan, Superintending Engineer/ Mechanical as well. The proposal was approved by the Chairman cum Managing Director/TANGEDCO."

4. Heard the learned counsel appearing for the petitioners, learned Standing Counsel appearing for R1 to R3 and the learned Senior counsel appearing for R4.

5. Mr.N.G.R.Prasad, learned counsel appearing for the petitioners, after referring to paragraph 6 of the letter dated 28.03.2016, submitted that when the said letter makes it clear that without causing prejudice to the petitioners M.Ashok Kumar and L.N.S.Sankaranarayanan, Superintending Engineer Mechanical as well, it has been decided to upgrade the post of Superintending Engineer Mechanical held by Mr.C.Veeramani as Chief Engineer Mechanical with effect from the date of joining of his junior Mr.P.Karuppiyah, Chief Engineer Mechanical, it has to be ensured that the petitioners being all the time seniors to the fourth respondent, they should not be placed below him.

6. I also find some merits in his submissions. The reason is that on two occasions when the fourth respondent sought a revision of seniority, his request was twice rejected on 03.03.1994 and 30.07.2010. Therefore, when this order is given effect to, the petitioners' seniority cannot be pushed down to the fourth respondent.

7. Mr.R.Krishnamurthy, learned senior counsel appearing for the fourth respondent requested this Court to vacate the status quo order, in view of the letter dated 28.03.2016 giving quietus to the issue.

8. Since the proposal has been approved by the Chairman cum Managing Director/TANGEDCO in the aforementioned letter stating that the first respondent has decided to upgrade the post of Superintending Engineer/Mechanical held by Thiru C.Veeramani as Chief Engineer/Mechanical with effect from the date of joining of his junior Thiru P.Karuppiyah, Chief Engineer/Mechanical, without causing prejudice to Tvl.M.Ashok Kumar/Petitioner in W.P. No.34265 of 2014 and L.N.S.Sankaranarayanan/Petitioner in W.P. No.7271 of 2015, Superintending Engineer/Mechanical as well, both the writ petitions stand disposed of, as nothing

remains to be considered in these petitions. No costs. Consequently, connected M.Ps are closed.

9.As the issue has been given a quietus, the order of status quo granted on 22.10.2014 is vacated. It is made clear that the orders of upgradation and promotion in respect of the petitioners and fourth respondent may be issued on the same day.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Managing Director,
Tamil Nadu Generation and
Distribution Corporation
(TANGEDCO), No.144, Anna Salai,
Chennai-600 002.

2.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation
(TANGEDCO), No.144, Anna Salai,
Chennai-600 002.

3.The Secretary,Tamil Nadu Generation
and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai, Chennai-600 002.

4.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai, Chennai-600 002.

+ 1 cc to Mr.Row & Reddy, Advocate Sr.27310
+ 1 cc to Mr.R. Varalakshmi, Advocate SR.27030
+ 1 cc to Mr.S. Elamurugan, Advocate SR.27489

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PUR(CO)
Eu 05.5.16