

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2016

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.400 of 2016

G.Jayauddin,
Accounts Supervisor (Retired)
No.50, 1st Floor, N.S.K.Nagar Main Road,
Chennai 600 106

PETITIONER

Vs

1. Tamilnadu Generation and Distribution Corporation Ltd,
Rep by its The Chairman,
144, Anna Salai, Chennai 600 002
2. The Chief Engineer / Personnel
TANGEDCO Ltd,
144, Anna Salai, Chennai 2

RESPONDENTS

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner as Assistant Accounts Officer notionally w.e.f 31.3.2009 by extending the benefit of the order passed in W.P.No. 28673 of 2010 dated 14.3.2012 and board proceedings in (per) CMD. TANGEDCO Proceedings No. 142 dated 2.12.2013 and revise the scale of pay of the petitioner and settle all the consequential terminal pensionary benefits to petitioner.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.R.Varalakshmi

O R D E R

The Writ Petition is filed to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Assistant Accounts Officer by extending the benefit of the order passed in W.P.No. 28673 of 2010 dated 14.3.2012 and board proceedings in (per) CMD. TANGEDCO Proceedings No. 142 dated 2.12.2013 and revise the scale of pay of the petitioner with all consequential benefits.

2. The case of the petitioner is that he was appointed as Junior Assistant on 23.11.1979. Thereafter, he was promoted as

Assistant on 31.03.1995 and as Accounts Supervisor on 05.01.2007. His name was included in the panel for promotion to the post of Assistant Accounts Officer on the recommendations of the Executive Engineer based on the performance report. The said list was also forwarded to the second respondent. However, due to announcement of Lok Sabha Elections, the promotion was postponed. The petitioner made representations dated 03.02.2009 and 25.03.2009 to the second respondent requesting for promotion as Assistant Accounts Officer, since he is due to retire on attaining the age of superannuation on 31.03.2009. However, his representations were not considered and he also retired from service. Thereafter, he came to know that one P.Chellan, who was junior to the petitioner in seniority list had filed W.P.No.28673 of 2010 for notional promotion as Assistant Accounts Officer with effect from 15.05.2009 and by order dated 14.03.2012, this Court has allowed the said Writ Petition.

3. It is also submitted by the learned counsel appearing for the petitioner that the respondents had filed W.A.No.510 of 2013 against the orders passed in W.P.No.28673 of 2010 and by order dated 09.04.2013, the Division Bench had dismissed the appeal and thereby confirmed the order passed by the learned Single Judge. The Board had promoted the said P.Chellan notionally with effect from 15.05.2009 by an order (per) CMD TAGEDCO proceedings No.142 dated 02.12.2013, with consequential monetary benefits. The petitioner also seeks the very same relief in this Writ Petition.

4. Heard Mr.S.N.Ravichandran, learned Counsel appearing for the petitioner and Mrs.R.Varalakshmi, learned Counsel appearing for the respondents.

5. This Court, considering the submission of the learned counsel for the petitioner and in the light of above facts, directs the respondents to consider the petitioner's representation dated 22.12.2014 and pass orders on merits and in accordance with law, by considering earlier order passed by this Court in respect of similarly placed person, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. Tamilnadu Generation and Distribution Corporation Ltd,
Rep by its The Chairman,
144, Anna Salai, Chennai 600 002
2. The Chief Engineer / Personnel
TANGEDCO Ltd,
144, Anna Salai,
Chennai 2.

+1cc to M/S.S.N.Ravichandren, Advocate, S.R.No.3231
+1cc to M/S.R.Varalakshmi, Advocate, S.R.No.35931

W.P.No.400 of 2016

rsk(CO)
srg(22/02/2016)



WEB COPY