

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6744 of 2016
and W.M.P.No.6013 of 2016

1. Tamil Nadu Electricity Workers Federation,
represented by its General Secretary,
Regn.No.1544/MDS,
No.52, Dr.Subbarayan Road,
Salem – 636 001,

2. K.Gubendiran,
No.1/9, Kopam Pudur,
Kopam Pudur Post,
Mecheri Taluk,
Salem – 635 453

... Petitioners

Vs.

1. Tamil Nadu Electricity Generation and
Distribution Corporation, rep.by its
Chairman, No.144, Anna Salai,
Chennai – 600 002,

2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Generation and
Distribution Corporation,
rep.by its Chairman,
No.144, Anna Salai,
Chennai – 600 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India seeking for the relief of issuance of writ of mandamus to direct the

respondents to implement the report dated 31.05.2014 of the Committee constituted for review of double channel promotion in regular work establishment and effect promotion to the post of Foreman Grade I/ Assistant Commercial Supervisor and Special Grade Foreman/ Commercial Supervisor on the basis of the Committee's report dated 31.05.2014.

For Petitioner : Mr.Balan Haridas
For Respondents : Mrs.R.Varalakshmi

ORDER

Tamil Nadu National Electricity Workers Federation represented by its General Secretary and one K.Gubendiran have filed this writ petition seeking the relief of issuance of a writ of mandamus to direct the respondents to implement the report dated 31.05.2014 of the Committee constituted for review of double channel promotion in regular work establishment and effect promotion to the post of Foreman Grade I/ Assistant Commercial Supervisor and Special Grade Foreman/ Commercial Supervisor on the basis of the Committee's report dated 31.05.2014.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The grievance of the petitioners is that the feeder category for promotion to the post of Foreman I Grade is from the Line Inspector and Commercial Inspector. While so, the person choosing Commercial Assistant/Commercial Inspector channel gets quicker promotion than the person choosing Wireman/Line Inspector, for the reason that the ratio among the Wireman and Line Inspector is 7:1 and the ratio among the Commercial Assistant and Commercial Inspector is 1:1. Moreover, the minimum service stipulated for promotion to the post of Line Inspector is eight years, but no minimum period has been stipulated for promotion from Commercial Assistant to Commercial Inspector. As this has caused great prejudice at the time of promotion to the Foreman I Grade, various representations were made by Unions and Federations and finally the 1st respondent Corporation constituted a Committee to review the double channel promotion. Finally, the Committee also has submitted a report on 31.5.2014 and the conclusion of which reads as follows:

"Conclusion: The Committee recommends splitting of the double channel as two separate categories by introduction of a new "commercial category". The recruitment/ appointment may be made separately for each of these categories. Introduction of the new

category necessitates creation of new designations namely, Assistant Commercial Supervisor and Commercial Supervisor. These posts may have to carry additional and higher responsibilities commensurate with their positions.

An opportunity is to be given for the serving employees in the categories of Helper, Wireman and Commercial Assistant to choose the category under which they would opt to serve subject to their eligibility.

This proposal is likely to be accepted by all unions as the interests of various sections of employees are taken care of while the new needs of the organization arising on account of introduction of new technologies are also addressed."

4. In the light of the above, though the petitioners have already given representations on 15.12.2014 and 28.12.2015 to implement the Committee's report and no response has come, they have come to this Court seeking the above said relief.

5. Considering the above facts, this Court finds no hesitation to direct the respondents to consider the petitioners' representations dated

15.12.2014 and 28.12.2015, since the Committee has already submitted a report. Therefore, the 1st respondent is hereby directed to consider the representations of the petitioners dated 15.12.2014 and 28.12.2015 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

31.03.2016

Index:Yes/No

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To

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation,
No.144, Anna Salai,
Chennai – 600 002,
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Generation and
Distribution Corporation,
rep.by its Chairman,
No.144, Anna Salai,
Chennai – 600 002.

T.RAJA, J.

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