



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2016

CORAM:

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

**AND**

**THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO**

W.A.(MD).No.936 of 2016 and C.M.P.(MD)No.5573 of 2016

1.M.Mohammed Raffi  
2.V.Mohammed Ali  
3.E.Shanmugavel  
4.S.Murugan  
5.A.Ismail  
6.M.Habeebullah  
7.Annavmuthu  
8.R.Sundareswaran

: Appellants

Vs.

1.The Chief Engineer/Personnel,  
TANGEDCO/TNEB,  
No.144, Anna Salai, Chennai.

2.M.Vetrivelu  
3.K.Sankara Pandi  
4.A.Saravanan  
5.M.Baruk Hussain  
6.S.Kesavan  
7.M.Senthilkumar  
8.P.Anand  
9.A.Palani  
10.K.Venkatesan  
11.M.Kannimuthu  
12.S.K.Ramamoorthy  
13.K.Rangaraj  
14.K.Ramasamy  
15.N.Sivakumar  
16.D.Palaniswamy  
17.Tamil Nadu Power Engineers Organization,  
Rep by its General Secretary,  
[Regd No.299/CNI],  
27, Mosque Street, Chepauk, 600 005.

18.V.Natarajan  
19.G.Ravi  
20.G.S.Saurendran  
21.K.V.Gopinath  
22.K.N.Govindaraman

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 27.04.2016 made in M.P.(MD).No.4 of 2015 in W.P.(MD).No.20714 of 2015 on the file of this Court.



Prayer in MP(MD)No.4/2015 in WP(MD)No.20714/2015 :

Petition praying that in the circumstances stated therein and in affidavit filed therewith the High Court will be pleased to stay the operation of the impugned order passed by the 1st respondent in Memo.No.60296/280/G1/G12/2013-60 dated 11.11.2015 and Memo No.88345/330/G1/G12/2015-3 dated 11.11.2015 pending disposal of the WP.

Prayer in WP(MD)No.20714/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records of the 1st respondent in Memo No.60296/280/G1/G12/2013-60 dated 11.11.2015 and Memo No.88345/330/G1/G12/2015-3 dated 11.11.2015 and quash the same and consequently direct the 1st respondent to issue updated and current inter-se seniority list of JE Grade-II by applying the ratio of 3:1 and promote the petitioners to the post of JE Grade-I with all service and monetary benefits.

For Appellants : Mr.H.Arumugam

For Respondent Nos.3,4 &6 : Mr.G.R.Swaminathan  
For Mr.T.Antony Arul Raj

For Respondent No.9 : Mr.K.M.Ramesh

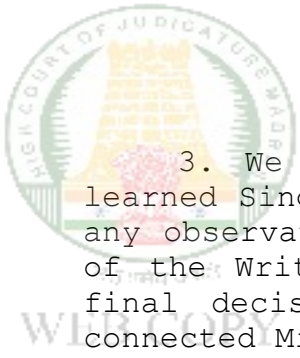
**JUDGMENT**

[Judgment of the Court was made by  
The Hon'ble The Chief Justice]

The controversy pertains to promotion to the post of Junior Engineer Grade-I, for which the sole feeder post is Junior Engineer Grade-II. In Junior Engineer Grade-II, there are two categories of persons - Diploma holders and non-Diploma holders. Promotion is to be made in the ratio of 3:1 and the stand of the Department is that this is to be done from the common seniority list. The appellants are the non-Diploma holders. They preferred a Writ Petition under Article 226 of the Constitution of India, based on the same principle of 3:1. They pleaded that there was no common seniority list. An interim order was obtained, which has been vacated by the impugned order dated 27.04.2016. While vacating the interim order, the interest of the appellants has been protected by keeping their seats reserved.

2. We are in complete agreement with the conclusion of the learned Single Judge that the entire process of promotion cannot be brought to a standstill through the process of filing a Writ Petition, more so, when the aforesaid principles are not in doubt. In fact, learned counsel for the appellants now seeks to contend before us that the plea of 3:1 ratio for promotion was predicated on a counter affidavit of the respondents filed in some other proceedings and now he seeks to withdraw the same. Thus, he seeks to withdraw the very plea, which was the very basis for

the Writ Petition.



3. We find no ground to interfere with the order passed by the learned Single Judge. The Writ Appeal is dismissed. Needless to say that any observation made by us in this Judgment for the purpose of disposal of the Writ Appeal against the interim order would not influence the final decision of the learned Single Judge. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/  
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Chief Engineer/Personnel,  
TANGEDCO/TNEB,  
No.144, Anna Salai, Chennai.

2.The General Secretary,  
Tamil Nadu Power Engineers Organization,  
[Regd No.299/CNI],  
27,Mosque Street, Chepauk, 600 005.

+1cc to M/S.H.Arumugam, Advocate in SR.No.29312  
+1cc to M/S.T.Antony Arul Raj, Advocate in SR.No.29614  
+1cc to M/S.G.Kasinathadurai, Advocate in SR.No.29101

JUDGMENT MADE IN  
W.A. (MD) .No.936 of 2016  
09.06.2016

NR/RSB  
PA/GSV-PM/SAR I/24.06.2016/3P/6C