



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA
W.P(MD) No.21232 of 2016

A.Abhinaya Sundharai

... Petitioner

-vs-

1. Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Represented by Chairman / Manaing Director,
144, Anna Salai, Chennai-600 002.

2. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Represented by Chairman / Manaing Director,
144, Anna Salai, Chennai-600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in connection with the Impugned Proceedings for Internal Selection of Junior Assistant / Administration issued by the 2nd respondent in Lr.No.045392/189/G.56/G.561/2015-1 dated 22.05.2015 and quash the same as arbitrary and ultravires in so far as it excludes the duly qualified Assessors and consequently direct the respondents to include the petitioner for consideration for appointment to the post of Junior Assistant / Administration.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Dhayalan

O R D E R

This writ petition has been filed, seeking to quash the impugned order dated 22.05.2015 passed by the 2nd respondent in Lr.No.045392/189/G.56/G.561/2015-1, by which the 2nd respondent directed all the Superintending Engineers to send the particulars of qualified employees for filling up of 144 vacancies in Junior Assistant/Administration through internal selection, excluding the Assessor / Assessor Grade II in the said selection, even though they acquired prescribed qualification. The petitioner also sought



direction to the respondents to include the petitioner's name for consideration for appointment to the post of Junior Assistant / Administration.

2. Heard the learned counsel on either side. Learned counsel for the petitioner would submit that though the prayer in this petition is widely worded, it would suffice, if the representations of the petitioner dated 06.07.2015 and 20.06.2016 are considered in the light of the judgment of this Court rendered in W.P.No.34556 of 2004 dated 18.01.2005 and orders passed thereon.

3. It is the case of the petitioner that she was appointed as Assessor Grade II (Trainee) on 14.01.2015 in Madurai Electricity Distribution Circle with an assurance that she would be appointed to the post of Junior Assistant / Administration as and when vacancy arises; that the 2nd respondent issued the impugned proceedings dated 22.05.2015 for filling up of Junior Assistant / Administration by way of internal selection by prescribing minimum qualification as B.A., B.Sc., B.Com., or any degree obtained from any University established by law in India; that even though the petitioner was in possession of requisite qualification for consideration to the said post, she was not included in the zone of consideration, which compelled the petitioner to send repeated representation and the last one of which was on 20.06.2016 and since her representations did not evoke proper response, she has approached this Court with the relief stated supra. In W.P.No.34556 of 2004, this Court has held that as follows:

"8. As far as the other contention that even while making such selection, the respondent Board is entitled to restrict the scope of such selection to certain categories alone, it will have to be held that a reading of the above said Regulations disclose that appointment to the post of Junior Auditors can be from different categories, such as Junior Assistants, Typists, Steno-typists and Assessors. In other words, all the above four categories of employees in the service of the Board are entitled to aspire for the post of Junior Auditors as and when any vacancy arises and any appointment is resorted to. When that be the case, it will not be open to the respondent Board to confine such appointment to a particular category of Junior Assistants alone merely on the footing that the said category came to be mentioned in column No.2 in the first instance and the category of Assessors came to be mentioned as a last one. Such a contention of the respondent Board cannot also be accepted as that would provide for an arbitrary way of dealing with different categories when it comes to the question of making a selection to a particular post. If a preference could be made by the respondent Board, it would have been spelt out in such specific terms in the Regulations, it cannot be inferred merely



based on the order in which different categories are mentioned in the Regulations that the respondent Board would be entitled to prefer one category, which is mentioned in the beginning to that of the other category which is mentioned at the end. Therefore, the said contention also does not merit acceptance."

4. Learned counsel appearing for the respondents would represent that it is agreeable for the respondents to consider the representation dated 20.06.2016 submitted by the petitioner and to pass orders thereon within a reasonable time frame.

5. Under such circumstances, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation of the petitioner dated 20.06.2016 in the light of the judgment of this Court (referred to supra) and to pass orders on the same on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. It is made clear that till the orders are passed on the representation of the petitioner, one post should be kept vacant.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To:

1. The Chairman / Manaing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai, Chennai-600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Represented by Chairman / Manaing Director,
144, Anna Salai, Chennai-600 002.

+1cc to Mr.G.Thalaimutharasu Advocate Sr.No. 66101

JAM/07.12.16/CK/SAR 1/3p-4c

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