



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3745 of 2016

WEB COPY

G.Shanmugavel

.. Petitioner

Vs.

1.The Chief Engineer(Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
N.P.K.R.R.Maaligai,
No.144, Anna Salai,
Chennai -2.

2.The Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Pudukkottai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass orders on the petitioner's representation, dated 04.02.2016 forwarded by the second respondent by letter No.01228/074/Ni.Pi.1/Vudhavi-2/Ko.Ni.Me/2016-1, dated 04.02.2016 within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.A.U.Ramanathan

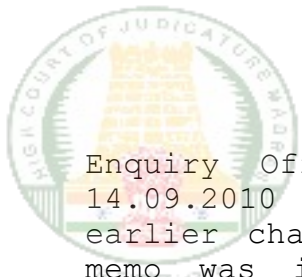
ORDER

Mr.A.U.Ramanathan, learned counsel takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the first respondent to pass orders on the petitioner's representation, dated 04.02.2016 forwarded by the second respondent by letter No.01228/074/Ni.Pi.1/Vudhavi-2/Ko.No.Me/2016-1, dated 04.02.2016 within a stipulated time.

4. The case of the petitioner is that he was appointed as Junior Assistant at Thirumayam Rural Electric Cooperative Society in the year 1983 and his now working in the cadre of Administrative Supervisor. His next avenue of promotion is to the Post of Assistant Administrative Officer for which he claims to be eligible and qualified and the petitioner is going to retire on 29.02.2016. While so, there was a charge memo issued on 24.12.2009 and also there was a second charge memo issued on 22.03.2010. These charges were enquired elaborately by the



Enquiry Officer and the same were dropped by proceedings, dated 14.09.2010 and 06.06.2014. However, it is stated that by clubbing the earlier charge memos, dated 24.12.2009 and 22.03.2010, a fresh charge memo was issued on 02.01.2016 for the reasons best known to the respondents. Challenging the re-opening of the said charge memos the petitioner filed W.P(MD)Nos.1339, 1340 and 1341 of 2016 and obtained an order of interim stay of further proceedings. According to the petitioner, he is due to retire on 29.02.2016 and he is eligible to be promoted as Assistant Administrative Officer. It is also contended that only to thwart his further promotion, dropped proceedings were reopened and clubbed with the present charge memo. In the meanwhile, the panel for Post of Assistant Administrative Officer in Class II Services was prepared on 05.07.2014 on which date there was no charge memo pending against the petitioner making him fully eligible for the said promotion. It is further stated that there are eight vacancies in the Post of Assistant Administrative Officer across the State. Though a proposal was received by the first respondent, no orders have been passed till today. As the date of superannuation is only a week away, the petitioner has knocked the doors of this Court.

5. In view of the above facts, the first respondent is directed to pass appropriate orders based on the representation of the petitioner, dated 04.02.2016 forwarded by the second respondent on the same day, on or before 29.02.2016 on which date the petitioner is due to retire and report compliance before this Court.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The Chief Engineer(Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
N.P.K.R.R.Maaligai,No.144, Anna Salai, Chennai -2.
- 2.The Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Pudukkottai.

+1cc to M/S.A.Rahul, Advocate in SR.No.10307

W.P (MD) No.3745 of 2016
23.02.2016

pm

PA/JGB-DP/AR I/24.02.2016/2P/4C (IT)