

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.737 of 2017

and

W.M.P.Nos.772 to 774 of 2017

1. Bharathiya Electricity Emmployees Federation,
(Reg.990/SLM, Affiliated with BMS in TN 100),
Represented by its State General Secretary,
177, 5th Main raod, Sri Iyyappa Nagar,
Virugampakkam Post,
Chennai - 600 092.
 2. D.Sathyakumar
 3. X.Amalraj
 4. J.Arumugam
 5. R.Prakash
 6. D.Balaji
-Petitioners

-Vs-

1. Tamilnadu Generation and Distribution Co.Ltd.
Rep. by its Chairman and Managing Director,
No.144, Anna salai, Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamilnadu Generation and Distribution Co.Ltd.,
144, Anna salai,
Chennai - 600 002.
3. The Superintending Engineer O&M,
Tamilnadu generation and Distribution Co.Ltd.,
Villupuram Electricity Distribution Circle,
Villupuram.
4. S.Dharani,
5. C.Revathy

6. R.Sakthi

7. A.Subhalakshmi

8. M.Jayanti

Respondents 4 to 8 represents
the class of employees from
Sl.No.4 to 101 in the Seniority
List bearing Ref.No.Memo No.579/
ADM-3/Asst.1/

file seniority-CI/2016 dated 23.04.2016

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of respondents 1 to 3 with regard to the seniority list bearing Ref.No.Memo No.579/ADM-3/Asst.1/file seniority-CI/2016 dated 23.04.2016 and quash the same and direct the respondents 1 to 3 herein to place the petitioners 2 to 6 above Sl.No.4 to 101 .

For Petitioner : Mr.V.Prakash Senior Counsel
assisted by Mr.K.Sudalaikannu

For Respondents: Mr.M.Fakkir Mohideen for R1 to R3

O R D E R

By consent the writ petition is taken up for final disposal. Mr.M.Fakkir Mohideen, learned standing counsel accepts notice on behalf of respondents 1 to 3.

2. The deponent of the affidavit would submit that he is working as a contract labourer since 14.08.1992 in the erstwhile Tamil Nadu Electricity Board. Based on the settlement dated 10.08.2007, he was appointed as Temporary Casual Labour and thereafter, became Mazdoor on 11.06.2009 in the permanent capacity. By virtue of the proceedings No.25 dated 04.03.2014 of the Chairman and Managing Director, TANGEDCO, his qualifications had been relaxed and on account of the same, the petitioner got promoted as Field Helper under the order of the Superintending Engineer, Villupuram and thereafter, the seniority list for Wireman and Commercial Assistant was prepared which includes the Field Assistant.

3. The grievance expressed by the petitioner is that though the 4th respondent and others had joined later, they were placed above him in the seniority list and that most of the petitioners became Field Assistants on 05.12.2014 in the regular capacity except petitioners 5 and 6 who became Field Assistants on 30.10.2014. However, the seniority list is sought to be prepared on the basis of the date of joining as Trainee Field Assistants, even though the respondents 4 to 8 became Field Assistants only after the petitioners during the year 2015. Hence, the petitioners came forward to challenge the proceedings of the 3rd respondent dated 23.04.2016.

4. Mr.V.Prakash, learned senior counsel assisted by Mr.K.Sudalaikannu, appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that as per the impugned proceedings of the 3rd respondent dated 23.04.2016, tentative seniority list has been prepared and enclosed and if any correction or alteration is required, the concerned person has to submit a representation for making correction within a period of one month therefrom through proper channel and if no objection is received, it will be treated as no alteration/correction is required. In the event of any person feels that her/his name has been omitted, the Superintendent Engineer shall be informed immediately. In response to the same, the petitioner Association and the concerned individuals had submitted series of representations and the last of such representation was submitted to the third respondent on 09.05.2016 and despite receipt and acknowledgement, no further steps have been taken. Therefore, the petitioners are constrained to approach this Court by filing this writ petition.

5. Per contra, Mr. M.Fakkir Mohideen, learned Standing Counsel appearing for respondents 1 to 3, would submit that the objections in the form of representation will be considered in accordance with the relevant norms and regulations and appropriate orders will be passed after putting on notice to the concerned persons as expeditiously as possible.

6. This Court heard the rival submissions and perused the materials placed on record.

7. Admittedly, in response to the impugned communication dated 23.04.2016 sent by the 3rd respondent, representations have been submitted by the petitioners 2 to 6 and the first petitioner Association has also submitted a representation dated 09.05.2016. Though the petitioners pray for a larger relief, this Court in the light of the above facts and circumstances is

of the view that it is suffice to direct the 3rd respondent to dispose of the representation of the petitioners in accordance with the relevant norms and regulations.

8. In the result, the writ petition is disposed of, directing the 3rd respondent to consider and dispose of the representation dated 27.04.2016 submitted by the petitioners 2 to 6 to the 3rd respondent through proper channel as well as the representation dated 09.05.2016 submitted by the 1st petitioner in accordance with the norms/regulations/Board proceedings, after putting the concerned persons on notice and pass orders as expeditiously as possible and communicate the decision taken to the petitioners as well as the persons concerned. It is made clear that this Court has not gone into the merits of the claim projected by the petitioners either in the representations or in the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

1. The Managing Director,
Tamilnadu Generation and Distribution Co.Ltd.
No.144, Anna salai, Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamilnadu Generation and Distribution Co.Ltd.,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer O&M,
Tamilnadu generation and Distribution Co.Ltd.,
Villupuram Electricity Distribution Circle, Villupuram.

+1cc to Mr.Sudalaikannu, Advocate, S.R.No.2747
+1cc to Mr.Fakkir Mohideen, Advocate, S.R.No.2857

MP(CO)
RS(02/02/2017)

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