

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.783 and 784 of 2017

And

W.M.P.Nos.818 and 819 of 2017

T.Devaraj ... Petitioner in W.P.No.783/2017

P.Amavasai ... Petitioner in W.P.No.784/2017

Vs.

- 1 Tamil Nadu Transmission Corporation Ltd
Rep by its Chairman and Managing Director,
No.144, Anna Salai,
Chennai – 600 002.
- 2 The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.
- 3 The Superintending Engineer,
General Construction Circle/ Chennai-1,
Tamil Nadu Transmission Corporation Ltd,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.
... Respondents in both W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd Respondent to consider and pass appropriate orders on the petitioners representations dated 10.02.2015 and 30.06.2015 within a time frame.

For Petitioner : Mr.K.M.Ramesh
For Respondents : Mrs.R.Varalakshmi

COMMON ORDER

By consent, the writ petitions are taken up for final disposal. Mrs.R.Varalakshmi, learned Standing Counsel accepts notice on behalf of the respondents 1 to 3.

2.The petitioner in W.P.No.783 of 2017 was initially appointed as Contract Workmen ever since the year 1984 and later his services were regularised and absorbed as Helper on 08.01.1996 and was posted in Transformer Repair Bay, Ambattur, Avadi, Chennai in the office of the Superintending Engineer, General Construction Circle, Guindy, Chennai. The petitioner was promoted as Fitter Grade II on 28.09.1998 and while he was working in that capacity, the third respondent had issued show cause notice dated 23.01.2001 alleging that he had produced false educational qualification certificate at the time of his absorption, for which, the petitioner has also submitted his reply denying the allegation. The petitioner was issued with a charge memo dated 18.04.2001 and after enquiry, petitioner was imposed with the punishment of reversion to the lower post of Helper and as a consequence, he was overlooked for promotion. After the punishment

period was over, the petitioner was restored to the post of Fitter Grade II and got his promotion as Fitter Grade I and was further promoted as Foreman Grade II and now he is working in that capacity.

3.The petitioner in W.P.No.784 of 2017 was initially appointed as Contract Workmen ever since the year 1985 and later his services were regularised and absorbed as Helper on 11.01.1996 in the Tamil Nadu Electricity Board. The petitioner was promoted as Fitter Grade II on 28.09.1998 and while he was working in that capacity, he was issued with a show cause notice dated 06.06.2001 alleging that he had produced false educational qualification certificate at the time of his absorption, for which, the petitioner has also submitted his reply denying the allegation. The petitioner was issued with a charge memo dated 02.07.2001 and after enquiry, petitioner was imposed with the punishment of reversion to the lower post of Helper and as a consequence, he was overlooked for promotion. After the punishment period was over, the petitioner was restored to the post of Fitter Grade II and got his promotion as Fitter Grade I and was further promoted as Foreman Grade II and now he is working in that capacity.

4.The petitioners would further state that one Sankar and others claim that they belong to Fisherman Community and made a claim that

they were displaced on account of land acquisition proceedings and subsequently, Tamil Nadu Electricity Board found that the said claim was fraudulent. Show cause notices were issued and all of them were dismissed from service and challenging the same, they filed W.P.Nos.10847 to 10851 of 2000 and vide order dated 28.02.2001, the writ petitions were allowed on technical grounds and liberty was granted to the employer to proceed afresh and pass appropriate orders and however, the then Tamil Nadu Electricity Board did not take any action and reinstated them in service and now attempts are being made to give them promotion overlooking the genuine claim of the petitioners. The petitioners in this regard, has also submitted representations dated 10.02.2015 and 30.06.2015 to the respondents 3 and 1 and pending disposal of the representations, the third respondent has also passed an order dated 08.07.2016 drawing panel for the post of Foreman Grade I and it was also passed by the subsequent proceedings dated 30.12.2016 and infact, they also started giving promotion based on the drawal of the panel.

5.Mr.K.M.Ramesh, learned counsel appearing for the petitioners would submit that the writ petitions were partly allowed and remanded to the then Tamil Nadu Electricity Board for initiating appropriate action against the persons who has produced false certificates.

Admittedly, no action has been taken and they were also given promotion by drawing the panel overlooking the genuine claim of the petitioners and therefore, prays for appropriate orders.

6.The learned Standing Counsel appearing for the respondents would submit that admittedly, the panel has not been put to challenge and the representations given by the petitioners will be given disposal, in accordance with law, on an early date.

7.This Court has considered the rival submissions and also perused the materials placed before it.

8.Though the petitioners prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permit the petitioners to submit one more representation along with a copy of this order as well as the copies of their earlier representations to the third respondent, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the third respondent, after putting the concerned persons on notice, shall consider and dispose of the said representation, on merits and in accordance with law and pass appropriate orders, within a further period of six weeks thereafter and

communicate the decision taken, to the petitioners as well as to the persons concerned.

9.The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

11.01.2017

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Index: Yes/ No

Internet: Yes/ No

Note: Issue order copy on 18.01.2017

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