

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.31304 of 2017

and WMP.No.34387 of 2017

V.Karunanidhi

...Petitioner

Vs.

- 1.Tamil Nadu Electricity Generation and Distribution Corporation
Rep. By its Chairman cum Managing Director
No.144, Anna Salai
Chennai-600 002
 - 2.The Chief Engineer(Personnel)
Tamil Nadu Electricity Generation and Distribution Corporation, Rep. By its Chairman
No.144, Anna Salai
Chennai-600 002
 - 3.The Chief Engineer
Tamil Nadu Electricity Generation and Distribution Corporation
Trichy Electricity Distribution Circle-Metro
Thennur, Trichirapalli
 - 4.The Superintending Engineer(Metro)
Tamil Nadu Electricity Generation and Distribution Corporation, Trichy Electricity Distribution Circle-Metro
Mannarpuram, Trichirapalli
- ...Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents to implement the Board Proceedings bearing No.(Per.) (FB)/TANGEDCO Proceedings No.2 dated 01.02.2017 and promote the petitioner to the post of Foreman Grade I in the available vacancy on the petitioner's seniority.

For Petitioner : Mr.Balan Haridas
For Respondents : Mrs.R.Varalakshmi

O R D E R

In W.P.No.12818 of 2012 etc batch (Bhaarathiya Electricity Employees Federation, Rep. By its General Secretary, R.Muralikrishnan Vs. The Chairman, Tamil Nadu Electricity Board and others), praying for similar relief as sought for in this Writ Petition, this Court passed an order dated 08.06.2017, directing the respondent/Board to carry out amendment to the Regulation and thereby, disposed of the said Writ Petitions. The said order reads as follows:

"The above Writ Petitions revolving around a common question, namely,

as to how the vacancies available for the promotional post of Foreman Gr-I can be filled up with two rival set of employees in the Tamil Nadu Electricity Board, i.e. Line Inspectors and Commercial Inspectors, both of whom come from the Helper post, are disposed of by this common order.

2.Considered the rival submissions advanced on either side.

3. It is seen that, in order to sort out the anomaly pertaining to the question as to how the vacancies in the promotional post of Foreman Gr-I can be filled up between Line Inspectors and Commercial Inspectors, a Committee was constituted and a Report was also filed by the said Committee. In the said report, among other things, a crucial recommendation has been made to the effect that an experience of five years may be insisted for the incumbents in the post of Commercial Inspector/Line Inspector, by amending the Service Regulation, so that, there may be uniform opportunity for all the categories. But till date, admittedly, from the date of submission of the report on 31.05.2015, the said amendment has not been effected in TNEB Service Regulations. In the meanwhile, when subsequent Circulars have been issued for the purpose of filling up the vacancies for the post of Foreman Gr-I, challenging those Circulars, several Writ Petitions have been filed.

4.In these circumstances, it is not known as to why the Electricity Board has not proceeded with as per Regulation 98 of TNEB Service Regulations, which provides under sub-clause [1][a] that no employee can be found eligible for promotion to a higher post unless he is an approved probationer in the category from which promotion to the higher post is admissible. Further, the next clause namely, Regulation 98[1][b]

[i] of the Regulations makes it clear that promotion in all cases shall be made on grounds of merit and ability, seniority being considered where merit and ability are approximately equal. Accordingly, in the matter of promotion to the higher post, namely, the post of Foreman Gr-I, which is sought to be filled in under Regulation 98 of TNEB Service Regulations, without waiting further for amendment of the Regulation, for the available promotion vacancies, the respondent/Electricity Board is directed to promote all the eligible employees from both sides, namely, from Commercial Inspector and Line Inspector to the higher post, namely, Foreman Gr-I, on the basis of the Committee's Report, from the list prepared, i.e. the approved probationer list in the category of Commercial Inspector and Line Inspector. Since the Regulation is quite clear that promotions are to be given on the basis of merit and ability, it is needless to mention that the respondent/Board, while taking up the promotion process, shall consider any higher qualification possessed by the incumbents by way of acquiring Diploma/B.E. in the subject concerned.

5. It goes without saying that, after carrying out amendment to the Regulation, the respondent/Board shall scrupulously adhere to the criterion/norms mentioned in the amended Service Regulations without reference to Regulation 98 of TNEB Service Regulations. The respondent/Electricity Board shall complete the exercise by amending the Service Regulations within a period of six months from the date of receipt of a copy of this order.

With the above direction, these Writ Petitions are disposed of. "

2. Following the said decision, this writ petition is also disposed of on the same terms. No costs. Consequently, connected WMP is closed.

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Sd/-

Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

nvsri

To

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Generation
and Distribution Corporation
No.144, Anna Salai,
Chennai-600 002
- 2.The Chief Engineer(Personnel)
Tamil Nadu Electricity Generation and Distribution
Corporation, Rep. By its Chairman
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Tamil Nadu Electricity Generation and Distribution
Corporation, Trichy Electricity Distribution Circle-Metro
Mannarpuram, Trichirapalli

+lcc to Mr.Balan Haridoss, Advocate SR.No.86155

Writ Petition No.31304 of 2017

KJ (CO)
GN (08/01/2018)

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