

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.31994 of 2017

K.Namadevan
Line Inspector
TANGEDCO
Kancheepuram Electricity
Distribution Circle,
Kancheepuram

... Petitioner

Vs.

1. The Secretary,
TANGEDCO / TNEB
144, Anna Salai,
Chennai - 600 002

2. The Chief Engineer / Personnel,
TANGEDCO / TNEB,
144, Anna Salai,
Chennai - 600 022

3. Superintending Engineer
TANGEDCO / TNEB,
Kancheepuram Electricity
Distribution Circle,
Kancheepuram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 3rd respondent to implement B.P.No.223 dated 21.11.2009 clause 13.7 (vi) in so far as three promotions to the petitioner and consequently to give all attendant benefits.

For Petitioner : Mr.C.S.Krishnamoorthy

For Respondents : Mrs.R.Varalakshmi

O R D E R

The Writ Petition has been filed by the petitioner, who has slept over the matter for the last nine long years, after retirement on 31.05.2008, has come to this Court seeking a direction to the 3rd respondent to implement Board Proceedings No.223 dated 21.11.2009 clause 13-7 (vi) in so far as three promotions to him and consequently to give him all attendant benefits.

2. Learned counsel appearing for the petitioner would submit that the petitioner was an employee of TNEB and after joining as a helper in the year 1977, he was given promotion as Wireman and further promoted as Line Inspector in the year 2001. He further contended that after eight long years, settlement was reached between the workers and the TNEB on 18.11.2009 and as per the said settlement, regular employees would get three promotions in their service. Subsequently, proceedings was also issued on Board's proceeding No.223 on 21.11.2009, in Sub regulation 13-7 (vi) and the same is given as under:

"7. (vi).To remove stagnation in promotion, the Board would like to evolve such promotion policy that every regular employee on time scale of pay, will be assured of three promotions in their entire service. The modalities on this will be discussed and finalized in consultation with the parties"

As per Clause mentioned above, the Board would like to evolve such promotion policy that every regular employee on time scale of pay will be assured of three promotions in their entire service. The modalities on this will be discussed and finalized in consultation with the parties.

3. Head the learned counsel on either side and perused the documents available on record.

4. When the petitioner has come to this Court seeking to implement Board Proceeding No.223 dated 21.11.2009 clause 13-7 (vi), counsel appearing on behalf of the petitioner has not even shown any proceedings, which has finalised all the three promotions and given to regular employees. That apart, when the petitioner had retired from service on 31.05.2008, he is not able to show as to how, the Board Proceedings No.223 dated 21.11.2009 could be given with retrospective effect. Moreover, after retirement on 31.05.2008, the petitioner has slept over for the last nine long years and now, has come to this Court seeking the prayer mentioned supra. Further, the Writ Petition also does not show whether at any point of time, from the years 2009 to 2012, he has given any representations to effect three

promotions. While concluding, leaned counsel for the petitioner invited the attention of this Court to Board Proceeding No.223 dated 21.11.2009, Regulation 10, namely, Date of Effect and submitted that the revised pay scale shall take effect from 1st December, 2009 and shall be in force for a period of four years from 1st December, 2007, however, the same does not speak about the three promotions to any one.

Accordingly, for all the reasons mentioned above, the Writ petition fails and the same stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Secretary,
TANGEDCO / TNEB
144, Anna Salai, Chennai - 600 002
2. The Chief Engineer / Personnel,
TANGEDCO / TNEB,
144, Anna Salai, Chennai - 600 022
3. Superintending Engineer
TANGEDCO / TNEB,
Kancheepuram Electricity
Distribution Circle,
Kancheepuram

+1cc to Mr.C.S.Krishnamoorthy, Advocate, S.R.No.88081

+1cc to Mrs.R.Varalakshmi, Advocate, S.R.No.87824

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LRS(CO)
CS/18/01/18