

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 25983 of 2011
and MP No.1 of 2011

R.Palanisamy,
Draughtsman,
O/o. Asst. Executive Engineer/Civil,
Mettur Electricity Distribution Circle,
TANGEDCO/CENTRAL OFFICE,
Mettur Dam -1, Salem District. Petitioner

Vs.

- 1 The Chief Engineer (Personnal)
Tamil Nadu Electricity Board,
144, Anna Salai, NPKRR Maligai,
8th Floor, Chennai 600 002.
- 2 The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO, Mettur Dam -1,
Salem District. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to proceedings in Ku.Aa.No.002168/229/Ni.Pi.1/Ei.Ni.Vu.(1)/2011 dated 26.03.2011 on the file of the 2nd respondent quash the same and direct the respondents to treat the appointment of the petitioner dated 27.09.2000 as an appointment for the post of Surveyor or Junior Engineer Civil II Grade and to extent all the benefits to the petitioner as if he has been appointed as Surveyor or Junior Engineer Civil IIInd Grade on 27.09.2000.

For Petitioner : Mr.S.Doraisamy

For RR 1 & 2 : Mr.P.R.Dillipkumar

O R D E R

Challenge in this writ petition is to quash the the order passed by the 2nd Respondent in Ku.Aa.No.002168/229/Ni.Pi.1/Ei.Ni.Vu.(1)/2011 dated 26.03.2011 and to direct the Respondents to treat the appointment of the petitioner dated 27.09.2000 as an appointment for the post of Surveyor or Junior Engineer Civil II Grade.

2. Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.P.R.Dillipkumar, learned Counsel (TNEB) appearing on behalf of the respondents.

3. The learned JUDGE for the petitioner submits that the petitioner preferred an application to the respondents Board seeking appointment to the post of Surveyor or Junior Engineer Civil II Grade. But according to the petitioner's qualification, namely Diploma in Civil Engineering (I-Class), the petitioner was appointed as "Assistant Draughtsman" on 23.09.2000, and served in the said post for three years. Subsequently, he was promoted as Draughtsman on 20.10.2003. Thereafter the applicant should have been appointed as Surveyor or Junior Engineer Grade II. Even though the petitioner is fully qualified for appointment of Surveyor or Junior Engineer Civil II Grade, the respondent has not considered the request of the petitioner stating that there was no vacancy, at the time of appointment, for the post of Surveyor or Junior Engineer Civil II Grade and hence, the request of the petitioner was not considered for the aforesaid post. Therefore, the petitioner filed the present Writ Petition.

5. On the contrary, the learned counsel appearing for the respondents filed the counter affidavit stating that as per the Board proceedings No.1 (Administrative Branch), dated 28.01.1997, the Board has ordered that in the matter of compassionate appointments, if the dependants/wards of the deceased, who seek compassionate appointment, are qualified in professional degree courses/ other non professional degree courses or Diploma courses and possess I Class in the Professional degree/ non-professional degree and Diploma, they may be considered for appointment to respective posts to which they are qualified. There is no Technical Assistant (Civil) post in then Board, now in TANGEDCO. Since, the petitioner possess Diploma in Civil Engineering (I-Class) and there is no post of Technical Assistant (Civil) in the Tamil Nadu Generation and Distribution Corporation Limited, as per the Board proceedings, he was selected as Assistant Draughtsman and therefore, the impugned order passed by the respondents is as per law.

6. In view of the submission of the learned counsel for the respondent that at the time of appointment of the petitioner, as there was no vacancy for the post of Surveyor or Junior Engineer Civil IInd Grade the petitioner cannot be considered to the said post and there is no Technical Assistant/Civil post in then Board, now in TANGEDCO. This Court is of the view that the Board has rightly rejected the petitioner's representation as per the rules. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1 The Chief Engineer (Personnal)
Tamil Nadu Electricity Board,
144, Anna Salai, NPKRR Maligai,
8th Floor, Chennai 600 002.
- 2 The Superintending Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO, Mettur Dam -1,
Salem District.

+lcc to Mr.P.R.Dhilipkumar, Advocate Sr.8542
+lcc to Mr.S.Doraisamy, Advocate Sr.8446

W.P. No. 25983 of 2011

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srg 20/04/2017

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