

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.M. SUBRAMANIAM

WMP No.27880 of 2017

AND WMP.No.15408 OF 2016

IN WP.17705/2016

1 TAMIL NADU GENERATION AND [PETITIONER IN WMP.No.27880/2017 AND
1 AND 2 RESPONDENTS IN WMP 15408/2016
DISTRIBUTION CORPORATION, REP. BY ITS
CHAIRMAN & MANAGING DIRECTOR, 144, ANNA
SALAI, CHENNAI-600 002.

2 THE CHIEF ENGINEER/PERSONNEL,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION, 144,
ANNA SALAI, CHENNAI-600 002.

Vs

1 R.MADESH, [1 TO 38 RESPONDENTS IN WMP.27880/2017
& PEITIONER 1 TO 38 IN WMP.154089/16]
2 K.SATHISH KUMAR,
3 B.NAVEEN KUMAR,
4 G.SANMUGASUNDARAM,
5 P.MOVNAGURU,
6 R.KALIMUTHU,
7 B.MUTHU KRISHNAN,
8 S.MARIMUTHU,
9 S.ABDUL RAHUMAN,
10 S.ANANDA BABU,

- 11 C.KUMARESAN,
- 12 M.BARANI LOKESH,
- 13 P.CHIDAMBARAM,
- 14 S.VENGATESAN,
- 15 A.SATHISH KUMAR,
- 16 R.BALASUBRAMANI,
- 17 V.RAJA KUMARAN,
- 18 P.BOOPALAN,
- 19 R.RAGHURAMAN,
- 20 J.DEVA DIRAVIAM,
- 21 S.VENKATESA VISNU,
- 22 D.ANBAZHAGAN,
- 23 S.THANANJAYAN,
- 24 B.MANIKANDAN,
- 25 T.SANGARANARAYANAN,
- 26 K.JEGATHEESAN,
- 27 M.RAJAPANDI,
- 28 M.G.SENTHILKUMAR,
- 29 A.SARAVANAKUMAR,
- 30 G.SHANMUGAM,
- 31 K.MANIVANNAN,
- 32 S.VADIVELU,
- 33 P.RANJITH,
- 34 K.RAJESWARAN,
- 35 R.THIRUPPATHY KUMAR,

36 M.MANIKANDAN,

37 A.DHARMALINGAM,

38 S.NIVAS,

39 THE CHAIRMAN, [39th RESPONDENT IN WMP.27880 OF 2017
3RD RESPONDENT IN WMP.15408 OF 2016
BOARD OF APPRENTICESHIP TRAINING, SOUTHERN
REGION, 4TH CROSS ROAD, C.I.T. CAMPUS,
TARAMANI, CHENNAI-600 113.

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased

1. To Vacate the Interim Order dated 13.05.2016 in WMP No.15408 of 2016 in WP No.17705 of 2016.

2.To grant interim stay of conducting written examination insofar as petitioners are concerned pursuant to the recruitment notification No.01/2016 issued by the 2nd Respondent dated 28/02/2016 calling for applications through online for the post of Technical Assistants and Field Assistants (Trainee) pending WP.17705 OF 2016.

Order : These petitions coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR. K. VENKASTARAMANI, ADDL ADVOCATE GENERAL, ASSISTED BY FOR M/S.R.VARALAKSHMI, (TNEB), Advocate for the petitioner in WMP.27880 OF 2017 and for 1st and 2nd Respondent in WMP.15408 OF 2016, and of MR. K.M.RAMESH ADVOCATE on behalf of the Respondents 1 TO 38 in WMP.27880 of 2017, and Petitioner 1 to 38 in WMP.15408 OF 2016, and DR.D.SIMAN, Advocate for Respondent 39 in WMP.27880 OF 2017 and 3rd Respondent in WMP.15408 OF 2016, the court made the following order:-

The relief sought for in this writ petition is to declare 1st respondent's (per.) (FB) TANGEDCO Proceeding No.10, Administrative Branch, dated 10.12.2015 and 2nd respondent's Notification No.01/2016 dated 28.02.2016 requiring the petitioners who worked as Apprentices in the 1st respondent to undergo written examination for the post of Technical Assistant and Field Assistant (Trainee) are illegal.

2. Mr.K.M.Ramesh, the learned counsel appearing for the petitioner made a submission that the scheme was formulated by the respondent Board pursuant to the direction issued by this Court and the same is pending consideration before the Honourable Division Bench and in this regard, the learned counsel has to submit his objection or otherwise before the Honourable Division Bench.

3. The learned Additional Advocate General assisted by R.Varalakshmi, learned Standing counsel appearing on behalf of the respondent / TANGEDCO made a submission that as on today, nearly 9000 vacancies in the post of Field Assistant which is Clause IV post, is lying vacant and the respondent Board is suffering to carry out their regular field works. In this regard, it is brought to the knowledge of this Court that during emergency situation like cyclone, heavy rain with thunder, etc, the TANGEDCO is not in a position to attend those works round the clock due to dearth of qualified persons in the cadre of Field Assistant. Further, the learned Additional Advocate General proceeded by saying that even as per the Notification which is impugned in this writ petition, 900 post of Field Assistant were invited and nearly 11,765 candidates were admitted in the written examination. The respondents have published the marks in respect of the candidates, who appeared in the written examination. Thus, the further process is stalled for the past about 1 ½ years. Thus, the administration is suffering and unable to meet out the emergency public requirements in respect of the Board activities. More so during the emergency situation, the Board finds it difficult to provide 24 hours service to the public in general. In these circumstances, there is an urgency in filling up all these posts lying vacant for about 1 ½ years.

4. Further, the learned Additional Advocate General contended that similarly placed Apprenticeship Trained Candidates have filed batch of writ petitions and all these writ petitions were dismissed by a common order passed by a learned Single Judge (Honourable Mr.Justice T.S.Sivagnanam), on 25.01.2017 and against those orders, the respective candidates filed WA. Nos.235, 264 and 744 of 2017. The Honourable First Bench of this Court dismissed the interim prayer of stay of the common order in the batch of writ appeals. The appellants in the writ appeal preferred SLP No.17036 of 2017 and this SLP was also dismissed by Honourable Supreme Court of India on 24.07.2017. Thus, there is no interim order in favour of those petitioners in respect of the writ appeals filed by the similarly placed apprenticeship trained candidates.

5. Further, it is informed to this Court that in respect of Assistant Engineers, already results were published and the process of selection was completed in all respects and the appointment orders were also issued by the respondent Board. Thus, there is no reason to continue the interim order in this writ petition and the Board is unable to carry out its day to day field works so as to serve the public in general to their expectation.

6. Under these circumstances, the interim order granted by this Court on 16.11.2016 in WMP.No.27880 of 2017 in WP.No.17705 of 2016 stands vacated and petition stands allowed. Consequently, the stay petition filed in WMP.No.15408 of 2016 in WP.No.17705 of 2016 stands dismissed. It is needless to state that in the event of succeeding in the writ petition, appropriate relief may be granted to the writ petitioners.

-sd/-

07/11/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN AND MANAGING DIRECTOR
TAMILNADU GENERATION AND DISTRIBUTION CORPORATION
144 ANNA SALAI CHENNAI 600 002

2 THE CHIEF ENGINEER/PERSONAL
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION
144 ANNA SALAI CHENNAI 600 002

3 THE BOARD OF APPRENTICESHIP TRAINING, SOUTHERN
REGION, 4TH CROSS ROAD, C.I.T. CAMPUS,
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C.C. To MR.K.M.RAMSH ADVOCATE SR.NO.14152

C.C. to M/S.R.VARALAKSHMI (TNEB) Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

WMP No.27880 of 2017

AND WMP.No.15408 OF 2016

IN WP.17705/2016

Date :07/11/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
DM 17/11/2017