

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017
CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.19739 of 2014

C.Chandran

...Petitioner

Versus

1. The Chairman,
TANGEDCO (TNEB) Ltd,
No.144, Anna Salai, Chennai-600 002.

2. The Chief Engineer, Personnel,
TANGEDCO (TNEB) Ltd,
No.144, Anna Salai, Chennai-600 002.

3. Superintending Engineer,
General Construction Circle-I,
Guindy, Chennai-600 032.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent namely Superintending Engineer, General Construction Circle-I Guindy, Chennai-600 032 to implement the order passed by the 2nd respondent namely The Chief Engineer, Personnel TANGEDCO TNEB Ltd, No.144, Anna Salai, Chennai-600 002. vide letter No.078798/456/G. 42G. 421/2013-14, Dt.23.11.2013 and to include the petitioner's name ahead of R.Kolinchinathan in the panel list of Special Grade Foreman/Driver and also give promotion equivalent to R.Kolinchinathan and further direct the 3rd respondent to give monetary benefit with all back wages to petitioner.

For Petitioner : Mr.V.Bhimam
for Mr.A.Balasinghramanujam
For Respondents : Mrs.R.Varalakshmi

O R D E R

The relief sought for in this Writ petition is to direct the third respondent Superintending Engineer, General Construction Circle-I Guindy, Chennai-600 032 to implement the order passed by the 2nd respondent namely The Chief Engineer, Personnel TANGEDCO TNEB Ltd, No.144, Anna Salai, Chennai-600 002., vide letter No.078798/456/G. 42G. 421/2013-14, Dt.23.11.2013 and to include

the name of the petitioner ahead of Mr.R.Kolinchinathan in the panel list of Special Grade Foreman/Driver and also grant promotion on par with the said R.Kolinchinathan and accordingly grant all monetary benefits and arrears of pay.

2.The learned counsel for the writ petitioner states that the writ petitioner has set out the grievances in respect of retrospective promotion on par with his Junior in his representations dated 28.02.2012 and 30.08.2013. However, none of these representations were looked into by the respondents and no decision has been taken by them. The petitioner is of the view that his right for consideration of his name in the appropriate panel was denied and consequently his Junior was promoted to the Post of Special Grade Foreman/Driver.

3.The learned counsel for the petitioner further states that by keeping these representations pending for long years, the petitioner is being harassed and the genuine grievance of the petitioner has not been redressed.

4.The learned counsel appearing on behalf of the respondents opposed the contention by stating that the representations were not duly signed by the writ petitioner and there was a delay in submitting the representations on the part of the writ petitioner. Thus, the writ petitioner cannot make out a grievance that the third respondent has not disposed of the representations.

5.Undoubtedly, if the representation in respect of the grievances relating to promotion is made to the authority competent has to be considered in accordance with law. Under these circumstances, without going into the merits of the matter, the third respondent is directed to consider the representation submitted by the writ petitioner on 28.02.2012 and pass order on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose the copies of the representations and the documents along with the order passed in this writ petition.

6.Accordingly, the writ petition stands disposed of. However, there shall be no order as costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

stm

To

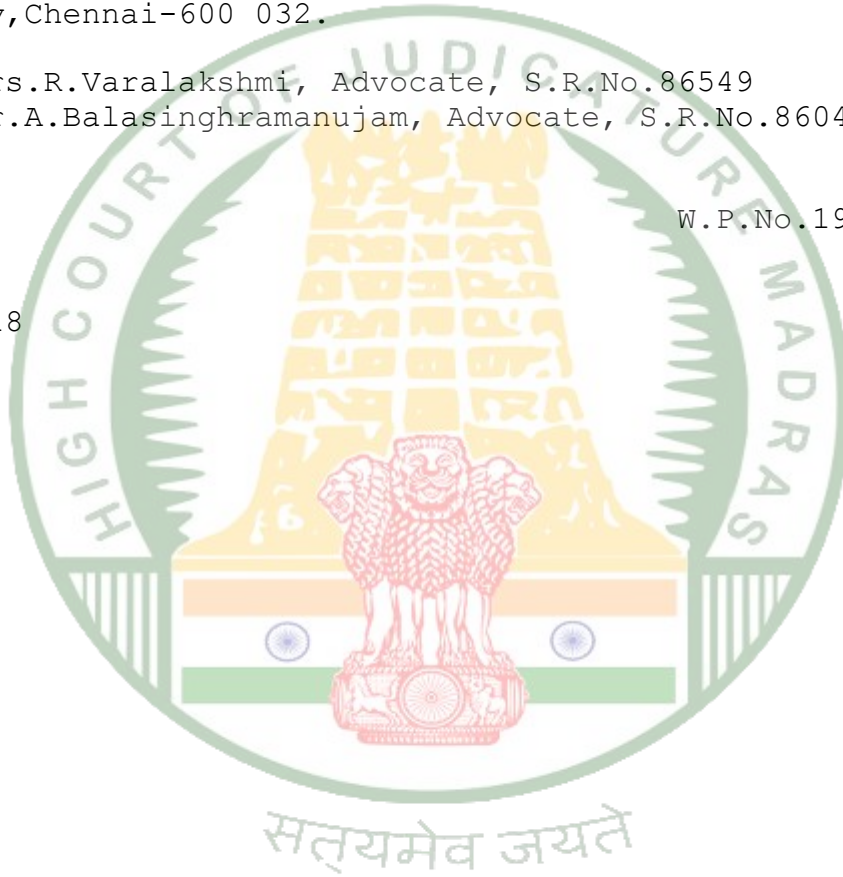
1. The Chairman
TANGEDCO (TNEB) Ltd,
No.144, Anna Salai, Chennai-600 002.
2. The Chief Engineer, Personal
TANGEDCO (TNEB) Ltd,
No.144, Anna Salai, Chennai-600 002.
3. Superintending Engineer,
General Construction Circle-I,
Guindy, Chennai-600 032.

+1cc to Mrs.R.Varalakshmi, Advocate, S.R.No.86549

+1cc to Mr.A.Balasinghramanujam, Advocate, S.R.No.86049

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CNR(CO)
CS/11/01/18



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