

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2942 of 2017

S.Arul Mary .. Petitioner

-vs-

1. The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai
Chennai 600 002
2. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
rep.by its Secretary
No.144, Anna Salai
Chennai 600 002
3. The Chief Internal Audit Officer
Audit Branch
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai
Chennai 600 002 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to release the panel for promotion to the post of Internal Audit Officer and to promote the petitioner as an Internal Audit Officer.

For Petitioner :: Mrs.Selvi George

For Respondents :: Mr.K.Venkataramani
Additional Advocate General
assisted by Mrs.R.Varalakshmi
for R1 to 3

ORDER

Mrs.S.Arul Mary, who was appointed as Junior Auditor in Audit branch in the year 1998, was given promotion to the post of Assistant Audit Officer on 1.3.2010. In this background, her claim is that she was eligible to be promoted to the post of Internal Audit Officer even in the

year 2015. But the respondent-TANGEDCO, while drawing the panel dated 10.11.2014 showing the names of eligible candidates to be considered for promotion to the post of Internal Audit Officer, has not included the name of this petitioner. When the following qualifications are prescribed for holding the post of Internal Audit Officer,

"(a) Must hold the B.A., or B.Sc., B.Com., Degree from the Chennai or Annamalai University;

(b) Must have passed the Government Technical Examination in Accountancy by the Lower and Higher Grade; and

(c) Must have worked for at least two years as Auditor in the Audit Branch",

the petitioner has fulfilled all the aforementioned qualification and admittedly when she was promoted as Assistant Audit Officer in March, 2010, she is fully qualified and eligible to be promoted as Internal Audit Officer. For the reason that one Mrs.K.Puvaneswari has filed W.P.No.12018 of 2015 and an order of interim injunction was granted by this Court on 27.4.2015, the respondents are not proceeding with the process of filling up the vacancies in the promotional post of Internal Audit Officer. Since the petitioner is retiring on 31.3.2017, she has been advised to come to this Court with this writ petition seeking a prayer for issuing a direction to the respondents to release the panel for promotion to the post of Internal Audit Officer and to promote her as Internal Audit Officer.

2. On behalf of Mrs.R.Varalakshmi, learned standing counsel for respondent-TANGEDCO, Mr.K.Venkataramani, learned Additional Advocate General submitted that the stand of the respondents has been candidly explained in the counter affidavit, supporting the case of the petitioner that she is fully eligible to be promoted to the post of Internal Audit Officer.

3. The stand taken by the respondents in paragraph-6 of the counter affidavit is reproduced below:-

"6. I submit that the above said Tmt.K.Puvaneswari, had filed and obtained a stay in WP 12018 of 2015 restraining from operating the panel to the post of Internal Audit Officer for the year 2014-15 by which the panel had been stayed for 2 years causing much difficulty in the respondent Board. At this juncture the petitioner Tmt.S.Arul Mary who is qualified to act as Internal Audit Officer and who is due to retire on 31.3.2017 filed the above writ petition which is very essential, since

15 Internal Audit Officer posts are vacant and it is difficult to authorise the pension cases in time, which the Internal Audit Officer's are dealing with. Thus the stay granted in WP 12018 of 2015 may be vacated and the panel may be allowed to be operated."

4. In the light of the above, this Court hereby allows the writ petition directing the respondents to proceed with the filling up of the promotional post of Internal Audit Officer. However, as the petitioner in W.P.No.12018 of 2015 has questioned the order dated 3.4.2010 stating that she is also eligible to be promoted to the said post, this Court further directs the respondents to keep one post vacant, till further orders. Since there are 15 vacancies remaining unfilled, it is made clear that 14 vacancies can be filled considering the petitioner's case also, keeping one post vacant. With this observation, the writ petition stands allowed. Consequently, W.M.P.No.2830 of 2017 is closed. No costs. The learned standing counsel for the respondents is also permitted to communicate the operative portion of this order to the TANGEDCO.

Post the W.P.No.12018 of 2015 on 12.4.2017.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai
Chennai 600 002

2. The Secretary Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai
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3. The Chief Internal Audit Officer
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Tamil Nadu Generation and
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No.144, Anna Salai
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+ 1 CC to Mrs.Selvi George, Advocate SR NO 19310

W.P.No.2942 of 2017

SCD[CO]
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