

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16180 of 2013

1.V.Muthuraman
2.P.Saravanan
3.K.P.Sreejith

.. Petitioners

Vs

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

2. The Chief Engineer, Personnel,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer, Hydro,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Fifth Floor, Eastern Wing,
No.144, Anna Salai,
Chennai - 600 002.

4. The Superintending Engineer,
Generation Circle,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Tirunelveli - 11.

..Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 2nd respondent's Notification made in Say.Ma.Tho.E / 628 / VARAIKALAI / 2013 dated Nil.05.2013 published in the website of TANGEDCO., Ltd., and quash the same as illegal and without jurisdiction and violation of TNEB Service Regulations and consequently direct the 1st and 2nd respondents to issue fresh notification by calling the petitioners for interview to the posts of Technical Assistant on the basis of their practical experience in the respondent corporation and thereafter to go ahead with the selection process for appointment to the posts of Technical Assistant.

For Petitioners : Mr.G.Ananda Kumar

For Respondents : Mrs.R.Varalakshmi

O R D E R

The relief sought for in this writ petition is to call for the records relating to the second respondent's Notification made in Say.Ma.Tho.E / 628 / VARAIKALAI / 2013 dated Nil.05.2013 published in the website of TANGEDCO., Limited and quash the same as illegal and without jurisdiction and violation of Tamil Nadu Electricity Board Service Regulations and consequently direct the first and second respondents to issue fresh notification by calling the petitioners for interview to the posts of Technical Assistant on the basis of their practical experience in the respondent corporation and thereafter to go ahead with the selection process for appointment to the posts of Technical Assistant.

2. It is brought to the notice of this Court that the qualification for the post of Technical Assistant / Electrical and Technical Assistant / Mechanical prescribed in annexure - iii to Regulations 94 of TNEB Service Regulations has been amended "in (Per) B.P.(FB) No.15(SB), dated 05.03.2002 as follows:

Technical
Assistant
(Electrical)

Direct
Recruitment
or by
Internal
Selection

Diploma in Electrical Engineering
(or) Diploma in Electrical and
Electronics Engineering (or)
Diploma in Electronics and
Communication Engineering (or)
Diploma in Instrumentation Engineer
(or) Diploma in Computer Science
and Engineering (or) Diploma in
Information Technology (or) Diploma
in Computer Technology (or) Diploma
in Computer Networking awarded by
the Director of Technical Education
of Equivalent thereto.

Note:- The percentage of
reservation for various disciplines
of Diploma in Engineering for
appointment to the post of
Technical Assistant (Electrical) by
Direct Recruitment or by Internal
Selection shall be fixed as
indicated below :-

(i) Diploma in Electrical
Engineering} and Diploma in
Electrical & Electronics } 91%
Engineering}

(ii) Diploma in Electronics &
} Communication Engineering} 5%

(iii) Diploma in Instrumentation
Engineering : 2%

(iv) Diploma in Computer Science
and} Engineering }

Diploma in Information
Technology } 2%

Diploma in Computer
Technology }

Diploma in Computer
Networking }

Technical
Assistant
(Mechanical)

Direct
Recruitment (or)
by Internal
Selection

Diploma in Mechanical
Engineering (or)
Equivalent thereto.

Even though the petitioners had possessed Diploma in EEE & ECE their names was not sponsored by the Employment Exchange nor they have completed apprenticeship in TNEB. They have only worked under the contractor in contract basis. Hence the petitioners cannot put forth the action of respondents as violative of basic principles of natural justice or arbitrary exercising of power in a colourable manner, or infracting Articles 14 and 16 of the constitution of India."

2. Further, it is contended that the paragraph 7 of the counter affidavit which reads as follows :

"the Hon'ble Supreme Court on 03.10.1996 in the Civil Appeal No.5285 - 5328/1999 have given certain guidelines in respect of the apprentices and the court itself has specifically laid down that a trained apprentice should be given preference - other thing being equal - Over the Direct Recruitments and also clearly laid down that the Appreciate Trainers have no right to be appointed in preference to other applicants. Based on the above orders Government of Tamil Nadu has issued the G.O.Ms.NO.142 & 10.11.1998. As per the said G.O and Supreme Court Order TANGEDCO has given preference to the apprentice candidates in all the Direct Recruitment. If the petitioners name was sponsored through employment exchange to the post of Technical Assistant in TANGEDCO or if the petitioners have completed apprenticeship in TANGEDCO a call letter would have been sent to the petitioners for interview to the post of Technical Assistant in TANGEDCO. The petitioners having worked under the contractor or cannot claim that experience gained through works contract as practical experience and cannot equate it to the trained apprentices and cannot claim to be called for the interview and term the act of the respondent for not calling them for interview as hostile discrimination."

3. In view of the amendments issued and in view of the legal position in respect of the recruitment to the post of Technical Assistant, the claim of the writ petitioner in this writ petition cannot be considered. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman cum Managing Director,
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and Distribution Corporation Ltd.,
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+1cc to Mrs.R.Varalakshmi, Advocate, S.R.No.89813

W.P.No.16180 of 2013

GJ(CO)
CS/12/01/18

सत्यमेव जयते

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