

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

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

W.P.No.19999 of 2010

and

M.P.No.1 of 2010

V.N.Venkatesan
Foreman Grade - I
O/o Assistant Engineer (O&M)
Sunguvarchattiram North
Chengleput Electricity Distribution Circle,
Chengleput.

.. Petitioner

vs

1. The Chairman
Tamil Nadu Electricity Board
No.800 Anna Salai,
Chennai -2.
2. The Superintending Engineer
Chengleput Electricity Distribution Circle,
Chengleput.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to follow and implement the Board Proceeding No.256 dated 12.12.2005 in the matters of promotion of the Regular work Establishment staffs to the post of Special Grade Foreman by flowing the original helper seniority list as maintained by the respondents without any scope of arbitrariness.

For Petitioner : Mr.S.Senthil Nathan

For Respondents : Mrs.R.Varalakshmi

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O R D E R

The relief sought for in this Writ Petition is seeking to issue a direction to the respondents to follow and implement the respondent Board Proceeding No.256 dated 12.12.2005 in the matters of promotion of the Regular work Establishment staffs to the post of Special Grade Foreman by flowing the original helper seniority list as maintained by the respondents without any scope of arbitrariness.

2. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed initially to the post of Helper and by virtue of seniority, he was promoted upto the level of Lineman. The next post for promotion was Foreman Grade I and the petitioner states that he is fully qualified for promotion to the post of Foreman Grade I. The grievance of the writ petitioner is that the respondent Board issued proceedings in BP.No.256 dated 12.12.2005, granting certain concessions in respect of the line of promotion as Commercial Assistant, Commercial Inspector and Foreman (or) Wireman, Line Inspector and Foreman based on their seniority in the category of Helper.

3. However, the benefits extended to the employees in both the channels of promotion in proceeding BP.No.256 dated 12.12.2005 has not been extended to the writ petitioner. Thus, he is deprived of his promotion on par with his juniors. Though the writ petitioner is able to cite the respondent Board proceedings in BP.No.256 dated 12.12.2005, he was unable to explain how he is senior and on what basis he is entitled for retrospective promotion on par with his juniors. In the absence of any such details, this Court is not inclined to grant any direction to direct the respondent to consider the promotion of the writ petitioner as such sought for in this writ petition.

4. However, this Court is inclined to issue direction to consider the representation submitted by the writ petitioner in view of the fact that this Court is not clear in respect of the present status of the respondent Board's proceeding in No.256 dated 12.12.2005, as to whether there is any modification or cancellation of the said respondent Board's proceedings or not.

5. When the question regarding the existence of Board proceeding in BP.No.256 dated 12.12.2005 was sought for, the learned counsel appearing on behalf of the respondent is unable to provide any answer to this Court. This Court is not getting an effective assistance from the respondent's side in this matter. The learned counsel appearing on behalf of the respondent is unable to submit her defense in respect of the grounds raised by the writ petitioner in the present writ petition. It is a sorry state of affairs that, there is no assistance at all to this Court in this writ petition. This Court also expresses its concern that the respondent Board being a "State" is bound to defend the case properly in accordance with law and the expenditures of the respondent Board are met out from the tax payers money and they are certainly accountable to the public as well as to the Government.

6. Recording the concern in this regard, this Court is unable to get the assistance from the respondent Board effectively. Under these circumstances, the petitioner is

permitted to submit his representation in respect of his grievances to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of any such representation from the petitioner, the second respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

7. In respect of the non co-operation of the respondent counsel appearing for the respondent, the first respondent is directed to initiate proper action in this regard. Accordingly, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
No.800 Anna Salai,
Chennai -2.
2. The Superintending Engineer,
Chengleput Electricity Distribution Circle,
Chengleput.

+1 cc to Mr.S.Senthilnathan Advocate sr 84338

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