

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26397 of 2003

C.Rajasekhar

[Petitioner]

Vs

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Nagercoil.

2.The Chief Engineer / Personnel,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.

3.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.

[Respondents]

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the second respondent in Memo No.058280/G13/G132/2000-2001 dated 19.10.2001 and quash the same as illegal, violative of Article 14 of the Constitution of India and direct the second respondent to accord sanction for the payment of two advance incentive increments.

For Petitioner : Mr.K.Seshadri

For Respondents : Mrs.R.Varalakshmi,
Standing Counsel for TNEB

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O R D E R

This writ petition has been filed to quash the proceedings of the second respondent in Memo No.058280/G13/G132/2000-2001 dated 19.10.2001 as illegal and violative of Article 14 of the Constitution of India and to direct the second respondent to accord sanction for the payment of two advance incentive increments to the petitioner.

2.The facts in brief, are as follows:

The petitioner, after obtaining B.E.Degree in Electrical and Electronics Engineering, joined the service of the respondent Board in the year 1990 as Assistant Engineer -Electrical. He was working at various places in different wings of the Board. While he was working in Trichy Electricity Distribution Circle/South, Trichy, as Assistant Engineer(Construction), he made an application to the Superintending Engineer, Trichy South on 17.06.1993 seeking permission to study M.Tech in Process Control and Instrumentation during 1993-1995 in the Regional Engineering College, Trichy and permission was also granted and thereafter he completed the M.Tech Degree. The petitioner states that the respondent Board had issued an order on 04.09.1985 to sanction advance increments to Board Engineers who acquire Post Graduate Degree and Ph.D. in Engineering. The petitioner was transferred from Trichy Electricity Distribution Circle, South, Trichy to Kanyakumari Electricity Distribution Circle, Nagercoil during 1998. Based on the proceedings of the Board dated 04.09.1985, the petitioner submitted a representation to the first respondent on 22.01.1998 for sanction of two advance increments for having acquired the Post Graduate degree in Engineering, but the same was rejected by proceedings dated 11.03.1998 stating that granting of advance increments for acquiring P.G.Degree in Technology in the branch of Chemical Engineering is not feasible as per the Rules in force. Since the proceedings of the Board does not contemplate any specific subject for sanction of incentive increments for acquiring P.G.Degree in Engineering, and the similarly placed persons like that of the petitioner who have studied M.Tech in Process Control and Instrumentation, have also been sanctioned with incentive increments by the respondent Board, the petitioner made several representations to the respondents, to grant such benefit to him. But the second respondent has passed the impugned order dated 19.10.2001 reiterating the earlier orders passed by the Board. Hence this writ petition.

3.The learned counsel for the petitioner submits that though similarly placed persons like that of the petitioner were granted advance increments, the petitioner was not granted the said benefit. He further submitted that the proceedings of the Board does not contemplate any specific subject for sanction of incentive increments for acquiring P.G.Degree in Engineering and hence denial of the said benefit to the petitioner is arbitrary, illegal and not in accordance with law.

4.Heard the learned standing counsel for the Tamil Nadu Electricity Board and the submissions made by the learned counsel for the petitioner.

5.Though this writ petition was filed in the year 2003, till date the respondent Board has not filed any counter. However, the learned standing counsel for the respondent Board submitted that suitable orders may be passed by this Court, in view of the grant of such benefit by the Board to two similarly placed persons like that of the petitioner.

6.It is seen from the records that two similarly placed persons like that of the petitioner, viz.Tmt.R.R.Santhi and Mr.K.Joshuvaraj, have been granted advance incentive increments by the Board and the two separate proceedings dated 28.08.1998 issued to that effect, have been enclosed in Page Nos.11 and 13 of the typed set of papers. It is seen that the said K.Joshuvaraj has studied the M.Tech Course in Process Control and Instrumentation and hence it cannot be stated that granting of advance increments for acquiring P.G.Degree in Technology in the branch of Chemical Engineering is not feasible.

7.In view of the above reasons, this Court is inclined to grant such benefit to the petitioner herein. Hence the writ petition is allowed and the impugned order passed by the second respondent is set aside and the respondents are directed to grant the incentive increments, as prayed for by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Nagercoil.
- 2.The Chief Engineer / Personnel,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.
- 3.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-600 002.

+1 cc to Mr. K.Seshadri, Advocate SR.56224

W.P.No.26397 of 2003

VD(CO)

Eu 31.08.17