

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 28.08.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.29765 of 2004**

A.Mani

... Petitioner

Vs.

1.The Chief Engineer, (Personnel)
The Tamil Nadu Electricity Board,
Coimbatore.

2.The Tamil Nadu Electricity Board,
Represented by Secretary,
Anna Salai, Chennai.

3.The Chairman,
The Tamil Nadu Electricity Board,
Anna Salai, Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent dated 31.10.2001 issued in the Memo No.062942/250/G301/2001 -4 and the order of the 3rd respondent dated 20.04.2002 issued in the Memo No.119611/644/G30/G301/2001-2 and quash the same and further direct the respondents to include the name of the petitioner in the panel for promotion to the post of Accounts Officer dated 29.10.2001 issued in the B.P.(Ch) No.217 and to promote him as Accounts Officer from the date on which his junior was promoted with all consequential benefits.

For Petitioner : Mr.R.Muthukannu
For Respondents : Mr.S.K.Rameshwar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent dated 31.10.2001 issued in the Memo No.062942/250/G301/2001 -4 and the order of the third respondent dated 20.04.2002 issued in the Memo No.119611/644/G30/G301/2001-2 and to quash the same and further direct the respondents to include the name of the petitioner in the panel for promotion to the post of Accounts Officer dated 29.10.2001 issued in the B.P.(Ch) No.217 and to promote him as Accounts Officer from the date on which his junior was promoted with all consequential benefits.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

3.The petitioner was appointed as Lower Division Clerk during the year 1967 in the respondent board and after serving in different cadres, during the year 1998 was promoted as Assistant Accounts Officer. The next avenue of promotion is Accounts Officer. But overlooking his name, his juniors name were included in the panel

dated 29.10.2001 and the first respondent vide order dated 31.10.2001 informed the petitioner that since some charges are pending against him, his name was overlooked for promotion. As against the order of the first respondent dated 31.10.2001, the petitioner preferred appeal before the third respondent and since no orders were passed, he filed writ petition in W.P.No.35746 of 2002 and this Court vide order dated 17.09.2002, directed the third respondent therein to hear the petitioner and pass appropriate orders on the appeal preferred by the petitioner within a period of sixty days from the date of receipt of a copy of that order.

4. While so, the petitioner has filed this writ petition challenging the order of the first respondent dated 31.10.2001 and the consequential order of the third respondent dated 20.04.2002. The perusal of the impugned order dated 31.10.2001 discloses that the Board has informed the petitioner that appeal against the order shall be made to the Chairman/ Tamil Nadu Electricity Board within two months and accordingly, the petitioner also preferred appeal before the third respondent. The third respondent passed the consequential order dated 20.04.2002 rejecting the claim made by the petitioner.

M.DHANDAPANI,J.

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5. When charge is pending against the petitioner, promotion cannot be given to him. Hence, I do not find any infirmity in the impugned orders and accordingly, the writ petition is dismissed. No Costs.

28.08.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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