

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition Nos.3171 and 3172 of 2018
and
WMP Nos.3887 and 3888 of 2018

N. Rani ..Petitioner in WP No.3171 of 2018
K. Murugan ..Petitioner in WP No.3172 of 2018

vs.

- 1.Tamil Nadu Generation and Distribution Corporation Ltd.,
rep by its Chairman cum Managing Director,
No.144, Anna Salai, Chennai - 600 002
2. The Secretary,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002
3. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution corporation Ltd,
No.144, Anna Salai,
Chennai - 600 002 ...Respondents in both petitions

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India to issue Writs of Declaration, declaring the proceedings of the first respondent bearing (Per.)CMD TANGEDCO Proceedings No.231 dated 28.09.2017 as illegal, arbitrary and contrary to law in so far as preparing the same by not including the name of the petitioner on the basis of her promotion to the post of Assistant Executive Engineer from 29.05.2006 (in respect of the petitioner in WP No.3171 of 2018) from 01.06.2006 (in respect of the petitioner in WP No.3172 of 2018) and consequently direct the respondents to restore the seniority of the petitioner to the post of Assistant Executive Engineer based on joining the post on 29.05.2006 (in respect of the petitioner in WP No.3171 of 2018) and 01.06.2006 in respect of the petitioner in WP No.3172 of 2018) and consider them for promotion to the post of Executive Engineers by duly placing them in the appropriate position in the panel for promotion from the post of Assistant Executive Engineer to the Executive Engineer.

For petitioners : Mr.Balan Haridas

For respondents : Mr.P.R. Dhillip Kumar
Standing Counsel

COMMON ORDER

Mr.P.R. Dhillip Kumar, learned Standing Counsel takes notice for the respondents.

2. The two writ petitioners have come to this Court with two writ petitions, seeking a common prayer for issuance of declaration, declaring the proceedings of the first respondent bearing (Per.)CMD TANGEDCO Proceedings No.231 dated 28.09.2017 as illegal, arbitrary and contrary to law, in so far as preparing the same, by not including the name of the petitioner on the basis of her promotion to the post of Assistant Executive Engineer from 29.05.2006 (in respect of the petitioner in WP No.3171 of 2018) from 01.06.2006 (in respect of the petitioner in WP No.3172 of 2018) and consequently direct the respondents to restore the seniority of the petitioner to the post of Assistant Executive Engineer based on joining the post on 29.05.2006 (in respect of the petitioner in WP No.3171 of 2018) and 01.06.2006 in respect of the petitioner in WP No.3172 of 2018) and consider them for promotion to the post of Executive Engineers, by duly placing them in the appropriate position in the panel for promotion from the post of Assistant Executive Engineer to the Executive Engineer.

3. The learned counsel appearing for the petitioners submitted that the petitioners joined the post of Technical Assistants and promoted to the post of Assistant Engineers on 1.9.1994 (the petitioner in W.P.No.3171 of 2018) and 08.07.1994 (the petitioner in W.P.No.3172 of 2018 on acquiring B.E. Degree. Thereafter, considering their satisfactory performance, they were given promotion to the post of Assistant Executive Engineer in B.P (Ch) No.230 dated 30.11.2005 and their names were also shown as Sl.No.392 (petitioner in WP No.3171 of 2018) and Sl.No.375 (petitioner in WP No.3172 of 2018) respectively, which will be taken into account for the purpose of promotion to the post of Assistant Executive Engineer.

4. While so, their Juniors Mr.P. Anburaj and Mr.R. Selvamani were also shown as Sl.Nos.401 and 402 respectively. When subsequent list was prepared on 28.09.2017 by the Secretary, the petitioner's junior Mr.R. Selvamani's name alone has been shown as Sl.No.89, without showing either of the petitioner's name. Hence, they have given representations, but the same have not been considered. Therefore, the petitioners have come up before this Court.

5. The learned counsel for the petitioners restricted his prayer to the extent of considering the petitioners' representations.

6. Mr.P.R. Dhilip Kumar, learned Standing Counsel sought three weeks time to consider the representations of the petitioners.

7. Accordingly, this Court directs the first respondent to consider the representations of the petitioners dated 05.10.2017, followed by 15.12.2017 (the petitioner in WP No.3171 of 2018) and 16.01.2018 (the petitioner in WP No.16.01.2018) and do the needful within three weeks from the date of receipt of a copy of this order, by placing the petitioners in the appropriate place.

8. With the above direction, both the writ petitions are disposed of. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sr
To

- 1.The Chairman cum 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, Chennai - 600 002
 3. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution corporation Ltd,
No.144, Anna Salai, Chennai - 600 002.
- + 1 cc to Mr. Balan, Advocate Sr.11216
+ 1 cc to Mr.P. R. Dhilipkumar, Advocate Sr.11381

W.P.Nos.3171 & 3172 of 2018

(CS-VII)
EU(07/03/2018)