

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.1192 of 2011
and
M.P.No. 1 of 2011

P.K.Varadarajilu

...Petitioner

Vs.

1.The Chairman
Tamilnadu Generation and
Distribution Corporation Ltd.,
(Tamilnadu Electricity Board)
144 Anna Salai, Chennai 600 002.

2.The Superintending Engineer
TANGEDCO (TNEB), CEDC/Central
Nungambakkam, Chennai 600 034

3.The Asst. Engineer
TANGEDCO (TNEB), O & M.
Otteri, Chennai 600012

....Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the proceedings in Memorandum No.117/Ni B2/C1/Ko. Promotion/2010-3 dated 28.06.2010 of the second respondent (List of candidates not selected for promotion to the post of Special Grade Foreman), in so far as the petitioner is concerned and to issue appropriate directions to the respondents to consider the petitioner's candidature for notional promotion to the post of Special Grade Foreman, with effect from 28.06.2010, together with all consequential pay benefits, in pursuant to the Memorandum No.117/Ni B2/C1/Ko. Foreman Gr-I/10-I dated 10.06.2010 (Item No.30) and in purusant to the petitioner's representation dated 14.07.2010.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for TNEB

O R D E R

This Writ Petition is filed to quash the proceedings in Memorandum No.117/Ni B2/C1/Ko. Promotion/2010-3 dated 28.06.2010 of the second respondent (List of candidates not selected for promotion to the post of Special Grade Foreman), in so far as the petitioner is concerned and to issue appropriate directions to the respondents to consider the petitioner's candidature for notional promotion to the post of Special Grade Foreman, with effect from 28.06.2010, together with all consequential pay benefits, in pursuant to the Memorandum No.117/Ni B2/C1/Ko. Foreman Gr-I/10-I dated 10.06.2010 (Item No.30) and in pursuant to the petitioner's representation dated 14.07.2010.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as a casual labourer in the year 1971 and subsequently got observed and regularized as Helper permanently with effect from 1976 in the Tamilnadu Electricity Board, now known as Tamilnadu Generation and Distribution Corporation Limited. Subsequently, he was promoted as Foreman Grade I on 29.09.2007. The 2nd respondent issued a seniority list on 31.05.2010, enlisting the Foreman Grade I personnel. In the above said seniority list, the petitioner's name stood at No.30. Thereafter, the second respondent issued a list of selected candidates for the post of Special Grade Foreman, wherein, the persons those who are placed below the petitioner in the seniority list have been selected and orders have been issued by the respondent. Unfortunately, the petitioner's name was not included in the list. Therefore, he has filed the present writ petition before this Court.

3. The 2nd respondent has filed the counter affidavit. The learned Standing Counsel appearing for the respondent Board drew the attention of this Court to paragraph 4 of the counter affidavit, wherein it is stated that at the time of selection, an enquiry was pending for having laid unauthorized cable at Otteri in the area where he was working as Foreman I Grade. Subsequently, the said enquiry was dropped by the Executive Engineer/O & M/, Egmore. For the above said reason, the petitioner's name was not selected for promotion to the post of Special Grade Foreman. In the counter affidavit, the respondent himself has admitted that the petitioner's name was not considered for the selection due to the pending departmental enquiry against the petitioner. Now the enquiry has been dropped by the Executive Engineer/O&M/Egmore and he was allowed to retire from service on attaining the age of superannuation.

4. Considering the above said submissions of the 2nd respondent and since there is no enquiry is pending, before the

respondent or any adverse order has been passed against the petitioner, this Court is inclined to direct the 2nd respondent to consider the petitioner's request for granting Special Grade Foreman Grade, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.Hence, the impugned order dated 28.06.2010 passed by the 2nd respondent is quashed. This Writ Petition is allowed with the above direction. Consequently the connected Miscellaneous Petition is closed. No order as to costs.

jas/ avr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman
Tamilnadu Generation and
Distribution Corporation Ltd
(Tamilnadu Electricity Board)
144 Anna Salai, Chennai 600 002.
2. The Superintending Engineer
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Nungambakkam, Chennai 600 034
3. The Asst. Engineer
TANGEDCO (TNEB), O & M.
Sowcarpet, Chennai 600 003

+1cc to Mr.R.SELVAKUMAR, Advocate, S.R.No.82140

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.82084.

सत्यमेव जयते

W.P.No.1192 of 2011
and

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kak(10/01/2019)

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