

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4773 of 2011
and M.P.No.1 of 2011

1. TNEB Thozhilalar Aykkiya Sangam
Rep. by its Regional Secretary,
Reg. No.1956/90,
No.34, V.M. Street,
Royapettha,
Chennai - 600 014.
2. P. Immanuel Dhanabalan ... Petitioners
- Vs.
1. Tamil Nadu Generation and Distribution Corporation,
Rep. by its Chief Engineer (Personnel),
No.144, Anna Salai,
Chennai - 600 002.
2. Chief Engineer (Distribution)
Madurai Region,
Tamil Nadu Generation and Distribution Corporation,
K. Pudur, Madurai 625 007.
3. Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
K. Pudur, Madurai 625 007.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to promote the employees who are suitable for promotion as on the crucial date for promotion viz. 31.10.2009 and 31.10.2010 in available vacancy of Special Grade Foreman, Foreman Grade I, Line Inspector/Commercial Inspector, Wireman/Commercial Assistant based on the existing common seniority list for the Madurai Metro Circle and Madurai Electricity Distribution Circle, as being done in all these years before bifurcating Regular work Establishment (Technical)

in to two circles viz. Madurai Metro Circle and Madurai Electricity Distribution Circle.

For Petitioners : Mr.Balan Haridas

For Respondents : Mr.P. R. Dhillip Kumar
Standing counsel

O R D E R

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

2. The petitioners have come forward with this Petition for issuance of a Writ of Mandamus, directing the respondents to promote the employees, who are suitable for promotion as on the crucial date for promotion, viz., 31.10.2009 and 31.10.2010 in the available vacancy for the post of Special Grade Foreman, Foreman Grade I, etc.

3. The learned counsel for the petitioners submitted that during the pendency of the Writ Petition, the first petitioner, viz., Tamil Nadu, Electricity Board Thozhilalar Aykkiya Sangam was given up and hence the second petitioner is alone pursuing the Writ Petition.

4. Mr.Balan Haridas, learned counsel for the petitioners submitted that the electricity supply in respect of Madurai Town was earlier done by the Madurai Corporation and in the year 1995, the electricity distribution work of Madurai Corporation was taken over by the Tamil Nadu Electricity Board along with the employees. After merger, a common seniority list was prepared by taking into account the length of service. It is further submitted that every year, the panel is prepared and the crucial date for preparing the panel is 31st October of every year. As such, the third respondent prepared a list of Line Inspector / Commercial Inspector fit for promotion to the post of Foreman Grade-I and out of 97 names, 50 had already been promoted. The second petitioner stood as 55 in the said list and when 20 vacancies of Foreman Grade-I was to be filled by Memo, dated 11.11.2010, the first respondent decided to segregate the seniority list of Regular Work Establishment (Technical) of Madurai Metro Circle and Madurai Electricity Distribution Circle and thereafter no post was filled.

5. The learned counsel further submitted that whenever there is a bifurcation of circles, the respondent Board had effected promotions and filled up the existing vacancies first

as per the seniority list prior to the bifurcation of circles, but, unfortunately, in the case on hand, the respondents have not adopted the same procedure and hence, representations were made by the petitioners dated 31.10.2009 and 31.10.2010 to full up the available vacancies with the seniority list has already prepared. Since no favourable order was forthcoming, the present Writ Petition has been filed.

6. The learned counsel further submitted that it would suffice, if a direction is given to the second respondent to consider the representation of the second petitioner, dated 10.12.2010.

7. The learned Standing Counsel for the respondents would state that they are ready to consider the representation of the second petitioner in accordance with law.

8. Taking note of the above facts and the submissions of the learned counsels on either side, this Court without going into the merits of the case, directs the second petitioner to give a fresh representation to the second respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to necessary parties within a period of six weeks therefrom.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

pds / pvs / rns

To

1.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.

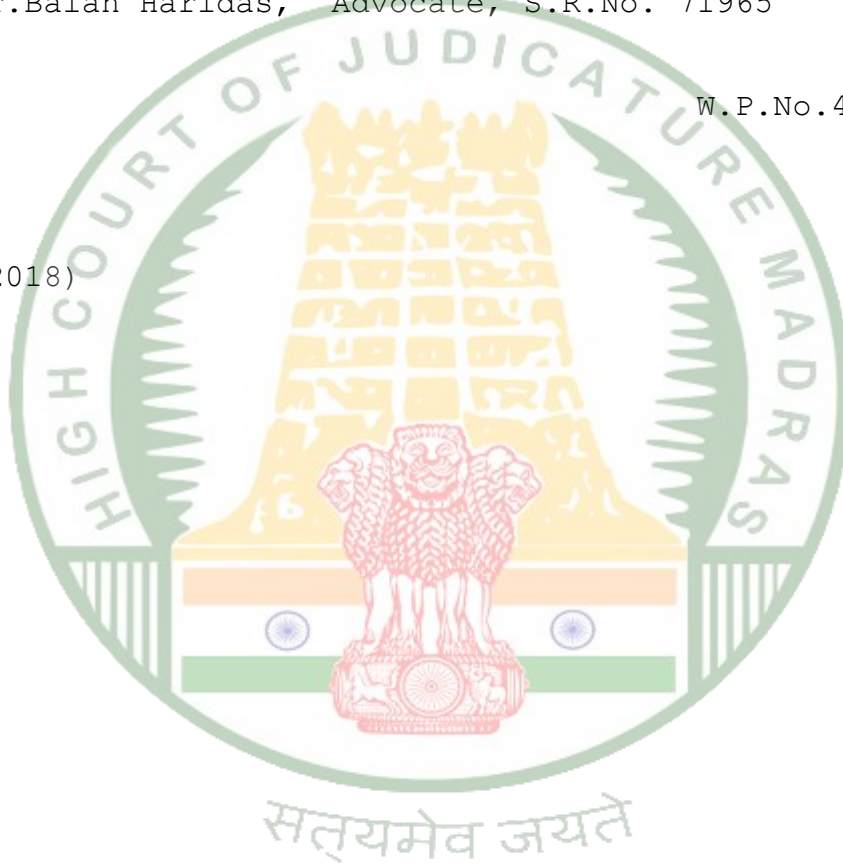
2. Chief Engineer (Distribution)
Madurai Region,
Tamil Nadu Generation and Distribution Corporation,
K. Pudur, Madurai 625 007.
3. Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
K. Pudur, Madurai 625 007.

+lcc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No. 72574

+lcc to Mr.Balan Haridas, Advocate, S.R.No. 71965

W.P.No.4773 of 2011

SAI (CO)
GN(14/11/2018)



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