

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.8.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Appeal Nos.574, 1450 to 1462 of 2017, 990 of 2016 &
1696 to 1702 of 2018

&

Writ Petition Nos.35135 to 35137, 35926 to 35935, 36656 to
36660, 39782 to 39786, 41543, 42612 to 42614, 42792 to
42794, 36890 of 2016, 8864 & 7865 of 2014

and

CMP Nos.8131, 8132, 19443, 22019 to 22031 of 2017,
19444 to 19467 of 2017, 12878, 30271 to 30273, 30906
to 30916, 31512 to 31516, 34013 to 34017, 35547,
36533 to 36538, 36724 to 36726, 31704 of 2016,
& M.P.Nos.1 to 3 of 2014 in
W.P.Nos.8864 of 2014 & 7865 of 2014

1 R.MUTHUKUMAR
2 K.ANBUMURUGAN
3 S.KANAGARATHINAM
4 N.NAMACHIVAYAM
5 U.THIRUGNANAM
6 G.AYYANAR
7 G.CHAKKARAVARTHI
8 K.VELMURUGAN
9 R.VADIVEL
10 K.MANOCHARAN ...APPELLANTS/ PETITIONER in WA No.574 of 2017

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI CHENNAI 600 002.

2 THE CHIEF ENGINEER / PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA SALAI
CHENNAI 600 002.

3 THE SUPERINTENDING ENGINEER
THANJAVUR ED CIRCLE TANGEDCO FORMERLY TNEB
LTD NO. 1 VALLAM ROAD THANJAVUR 613 001.

... 3RD APPELLANT IN WA.1452/2017
... 1 TO 3 APPELLANTS IN WA.NO.1450,
1454, 1455, 1456, 1457, 1458, 1459, 1460 OF 2017

1 THE CHAIRMAN
TAMIL NADU ELECTRICITY BOARD MOUNT ROAD
CHENNAI

2 THE CHIEF ENGINEER
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD. THANJAVUR

... 1ST & 2ND APPELLANT IN WA.1452/2017

3 THE SUPERINTENDING ENGINEER
T.MALAI ED CIRCLE TANGEDCO TIRUVANNAMALAI DT.

... APPELLANTS in WA No.1451 of 2017

1 THE CHAIRMAN
TAMIL NADU ELECTRICITY BOARD MOUNT ROAD
CHENNAI

2 THE CHIEF ENGINEER
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD THANJAVUR.

3 THE SUPERINTENDING ENGINEER
VELLORE ED CIRCLE TANGEDCO VELLORE.

... APPELLANTS in WA No.1453 of 2017

1 THE CHAIRMAN
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED MOUNT ROAD CHENNAI.

2 THE CHIEF ENGINEER
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED VILLUPURAM.

3 THE SUPERINTENDING ENGINEER
CUDDALORE ED CIRCLE TANGEDCO CUDDALORE.

... APPELLANTS in WA No.1461, 1462 of 2017

1 M.SARAVANAN ... PETITIONER in WA No.990 of 2016

1 N.BALASUBRAMANIAN ... PETITIONER in WA No.1696 of 2018

1 A.BALASUBRAMANIYAN ... PETITIONER in WA No.1697 of 2018

1 V.KUMAR ... PETITIONER in WA No.1698 of 2018
1 P.SARAVANAN ... PETITIONER in WA No.1699 of 2018
1 L.CHINNASAMY ... PETITIONER in WA No.1700 of 2018
1 S.SRINIVASAN ... PETITIONER in WA No.1701 of 2018
1 K.RAMESH ... PETITIONER in WA No.1702 of 2018
1 A.DHANASEKAR ... PETITIONER in WP No.35135 of 2016
1 D.UMASANKAR ... PETITIONER in WP No.35136 of 2016
1 C.KRISHNAMOORTHY ... PETITIONER in WP No.35137 of 2016
1 C.MURALI ... PETITIONER in WP No.35926 of 2016
1 R.ARUMUGAM ... PETITIONER in WP No.35927 of 2016
1 G.KUMAR ... PETITIONER in WP No.35928 of 2016
1 K.MOHAN ... PETITIONER in WP No.35929 of 2016
1 S.EZHILARASU ... PETITIONER in WP No.35930 of 2016
1 R.THAVAMANI ... PETITIONER in WP No.35931 of 2016
1 K.MUTHURAMAN ... PETITIONER in WP No.35932 of 2016
1 K.VENKATESAN ... PETITIONER in WP No.35933 of 2016
1 L.SELVARAJ ... PETITIONER in WP No.35934 of 2016
1 A.SANKAR ... PETITIONER in WP No.35935 of 2016
1 V.IYYAPPAN ... PETITIONER in WP No.36656 of 2016
1 S.GOPALAKRISHNAN ... PETITIONER in WP No.36657 of 2016
1 R.SAMBASIVAM ... PETITIONER in WP No.36658 of 2016
1 M.ILAYARAJA ... PETITIONER in WP No.36659 of 2016
1 S.SHEIKAHMED ... PETITIONER in WP No.36660 of 2016
1 P.SAMPATH ... PETITIONER in WP No.39782 of 2016
1 R.THIYAGARAJAN ... PETITIONER in WP No.39783 of 2016
1 G.PADMANABHAN ... PETITIONER in WP No.39784 of 2016

1 P.SRINIVASAN ... PETITIONER in WP No.39785 of 2016
1 M.SENTHIL KUMAR ... PETITIONER in WP No.39786 of 2016
1 E.SENTHIL KUMAR ... PETITIONER in WP No.41543 of 2016
1 P.KUMAR ... PETITIONER in WP No.42612 of 2016
1 C.SATHIYA ... PETITIONER in WP No.42613 of 2016
1 B.SIVAKUMAR ... PETITIONER in WP No.42614 of 2016
1 K.MANIKANDAN ... PETITIONER in WP No.42792 of 2016
1 K.SHANMUGAM ... PETITIONER in WP No.42793 of 2016
1 R.VENKATACHALAM ... PETITIONER in WP No.42794 of 2016
1 M.SRIDHAR ... PETITIONER in WP No.36890 of 2016
1 G.SEKAR ... PETITIONER IN WP.NO.7865 OF 2014
1 M.VALUSAMY ... PETITIONER IN WP.NO.8864 OF 2014

Vs.

1. THE CHAIRMAN AND MANAGING DIRECTOR
TANGEDCO
NO.144, ANNA SALAI
CHENNAI 2.

2. THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO
NO.144, ANNA SALAI
CHENNAI 2.

3. THE COMMISSIONER
EMPLOYMENT & TRAINING
GUINDY
CHENNAI.

.. RESPONDENTS/RESPONDENTS IN WA.574/2017

1 K. PALANIVEL ... RESPONDENT in WA No.1450 of 2017

1 A.PANDURANGAN ... RESPONDENT in WA No.1451 of 2017

1 K. MANIVASAGAM ... RESPONDENT in WA No.1452 of 2017

1 S.RAJENDIRAN ... RESPONDENT in WA No.1453 of 2017

1 V.MANI ... RESPONDENT in WA No.1454 of 2017

1 J. RAMESH ... RESPONDENT in WA No.1455 of 2017

1 S.SIVAKUMAR ... RESPONDENT in WA No.1456 of 2017

1 M.PAZHANIVEL ... RESPONDENT in WA No.1457 of 2017

1 K.RAJENDRAN ... RESPONDENT in WA No.1458 of 2017

1 S. SUBRAMANIYAN ... RESPONDENT in WA No.1459 of 2017

1 K.GOVINDARASU ... RESPONDENT in WA No.1460 of 2017

1 V.VENKATESAN ... RESPONDENT in WA No.1461 of 2017

1 P.MUTHU ... RESPONDENT in WA No.1462 of 2017

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED 144
ANNA SALAI CHENNAI-02.

2 THE CHIEF ENGINEER (PERSONAL)
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI CHENNAI-02.

3 THE SUPERINTENDING ENGINEER
DHARMAPURI CIRCLE TANGEDCO FORMERLY TNEB
LIMITED DHARMAPURI 636 706.
... RESPONDENTS in WA No.990 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER
VILLUPURAM ED CIRCLE TANGEDCO VILLUPURAM-
605 602.
... RESPONDENT in WA No.1696,1700,1702 of 2018

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.
- 2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.
- 3 THE SUPERINTENDING ENGINEER
CUDDALORE ED CIRCLE TANGEDCO POST BOX NO.
27 15A NETHAJI ROAD CUDDALORE-607 001.

... RESPONDENT in WA No.1697, 1698 of 2018

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002.
- 2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.
- 3 THE SUPERINTENDING ENGINEER
VELLORE FD CIRCLE TANGEDCO GANDHI NAGAR
VELLORE-632 006.

... RESPONDENT in WA No.1699, 1701 of 2018

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.
- 2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.
- 3 THE SUPERINTENDING ENGINEER
VILLUPURAM ED CIRCLE TANGEDCO FORMERLY TNEB
LIMITED VILLUPURAM-605 602.

... RESPONDENT in WP No.35135, 35136, 35926,
35928, 35929, 35930, 35932, 35933,
35934, 35935, 36658 of 2016

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER
TANGEDCO FORMERLY TNEB LIMITED NO.13-A
NETHAJI ROAD MANJAKUPPAM CUDDALORE-607 001

... RESPONDENT in WP No.35137 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER
CUDDALORE ED CIRCLE POST BOX NO.27
TANGEDCO FORMERLY TNEB LIMITED 15A
NETHAJI ROAD CUDDALORE-607 001.

... RESPONDENT in WP No.35927 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER
THIRUVANNAMALAI ED CIRCLE TANGEDCO FORMERLY
TNEB LTD. THIRUVANNAMALAI-606 604.

... RESPONDENT in WP No.35931 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE CHIEF ENGINEER
DISTRIBUTION POST BOX NO.6 K.PUDUR
TANGEDCO FORMERLY TNEB LIMITED
MADURAI-625 002.

... RESPONDENTS in WP No.36656 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER
CUDDALORE ED CIRCLE TANGEDCO FORMERLY TNEB
LIMITED 15A NETHAJI ROAD CUDDALORE-607 001.

... RESPONDENTS in WP No.36657 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER
CUDDALORE ED CIRCLE TANGEDCO FORMERLY TNEB
LIMITED POST BOX NO.27 15A NETHAJI ROAD
CUDDALORE-607 001.

... RESPONDENT in WP No.36659 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER,
DHARMAPURI ED CLRCLE,
TANGEDCO FORMERLY TNEB LIMITED,
DHARMAPURI 636705

... RESPONDENT in WP No.36660 & 42614 of 2016

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD. 144
ANNA SALAI MOUNT ROAD CHENNAI 600 002.
- 2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD. 144 ANNA SALAI
MOUNT ROAD CHENNAI 600 002.
- 3 THE SUPERINTENDING ENGINEER
SALEM ED CIRCLE TANGEDCO UDAYAPATTI BY
PASS ROAD KAMARAJ NAGAR COLONY SALEM 636 044.

... RESPONDENT in WP No.39782 TO 39786 of 2016

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI 2
- 2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI 2
- 3 THE SUPERINTENDING ENGINEER
VELLORE ED CIRCLE TANGEDCO GANDHI NAGAR
VELLORE 632 006

... RESPONDENTS in WP No.41543, 42613 of 2016

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LIMITED
144 ANNA SALAI MOUNT ROAD CHENNAI-600 002
- 2 THE CHIEF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LIMITED 144 ANNA
SALAI MOUNT ROAD CHENNAI-600 002
- 3 THE SUPERINTENDING ENGINEER
SALEM ED CIRCLE TANGEDCO UDAYAPATTI BYPASS
ROAD KAMARAJ NAGAR COLONY SALEM-14

... RESPONDENT in WP No.42792, 42793, 42794 of 2016

- 1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.

2 THE CHIEF ENGINEER
PERSONNEL TANGEDCO FORMERLY TNEB LTD 144
ANNA SALAI MOUNT ROAD CHENNAI-600 002.

3 THE CHIEF ENGINEER
DISTRIBUTION MADURAI ED CIRCLE TANGEDCO
FORMERLY TNEB LTD MADURAI

... RESPONDENTS in WP No.36890 of 2016

1 THE CHAIRMAN AND MANAGING
DIRECTOR TANGEDCO FORMERLY TNEB LTD 144
ANNA SALAI MOUNT ROAD CHENNAI-600002

2 THE CHEIF ENGINEER PERSONNEL
TANGEDCO FORMERLY TNEB LTD 144 ANNA SALAI
MOUNT ROAD CHENNAI-600002

3 THE SUPERINTENDING ENGINEER
THANJAVUR ED CIRCLE TANGEDCO FORMERLY TNEB LTD
NO.1 VALLAM ROAD THANJAVUR - 613 001

... RESPONDENTS IN WP.NO.42612/2016

1 THE CHAIRMAN
TAMILNADU ELECTRICITY BOARD MOUNT ROAD
CHENNAI

2 THE CHIEF ENGINEER
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD. THANJAVUR

... RESPONDENTS 1 & 2 IN W.P.7865 & 8864/2014

3 THE SUPERINTENDING ENGINEER
VELLORE ED CIRCLE TANGEDCO VELLORE

... 3RD RESPONDENT IN WP.NO.7865/2014

3 THE SUPERINTENDING ENGINEER
TRICHY ED CIRCLE,
TANGEDCO, TRICHY DISTRICT.

... 3RD RESPONDENT IN WP.NO.8864/2014

Appeal filed under Clause 15 of Letters Patent against the
order dated 30.3.2016 made in W.P.No.11876 of 2016 on the file
of this Court.

WP No.11876 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus directing the respondents to forthwith consider the claim of the petitioners for appointment as Helper (Trainee) with the ITI qualification possessed by them and that of the selection held during October, 2013 with reference to the direct recruitment to the said post in the existing or next arising vacancy on the basis of the representation dt 12.4.2014 followed by a reminder dt 15.12.2015 on merits and as per the directions dt 14.10.2015 made in W.A. No.81 of 2015 etc batch

WA No.1450 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8673 of 2016.

WP No.8673 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013.

WA No.1451 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8544 of 2014

WP No.8544 of 2014

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus directing the 2nd and 3rd respondents to declare petitioner as the selected candidate for the post of ITI Helper Trainee in the 2nd respondent Corporation

WA No.1452 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8553 of 2014

WP No.8553 of 2014

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the 2nd and 3rd respondents to declare petitioner as the selected candidate for the Post of ITI Helper Trainee in the second respondent Corporation

WA No.1453 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgement dated 28/07/2016 made in WP.No.8560/2014.

WP No.8560 of 2014

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the 2nd and 3rd respondents to declare petitioner as the selected candidate for the Post of ITI Helper Trainee in the second respondent Corporation

WA No.1454 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8674 of 2016

WP No.8674 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013.

WA No.1455 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8675 of 2016

WP No.8675 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the

respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, Formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013

WA No.1456 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8676 of 2016

WP No.8676 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, Formerly TNEB Limited, Memorandum No.044771/201/ G.57/G.572/2012-12, dated 28.10.2013

WA No.1457 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgement dated 28/07/2016 made in WP.No.8880/2016.

WP No.8880 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the Petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer/Personnel, Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013.

WA No.1458 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8881 of 2016

WP No.8881 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the

respondents herein to appoint the Petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer/Personnel, Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013.

WA No.1459 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8882 of 2016

WP No.8882 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the Petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer/Personnel, Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013.

WA No.1460 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 8883 of 2016

WP No.8883 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the Petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer/Personnel, Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013.

WA No.1461 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgement dated 28/07/2016 made in WP.No.13794/2016.

WP No.13794 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the 2nd

and 3rd Respondents to declare petitioner as the selected candidate for the post of ITI Helper Trainee in the second Respondent Corporation.

WA No.1462 of 2017

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 28/07/2016 made in W.P.No. 17438/2016

WP No.17438 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the 2nd and 3rd Respondents to declare the petitioner as the selected candidate for the post of ITI Helper Trainee in the second Respondent Corporation.

WA NO.990 of 2016:

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 30.03.2016 made in W.P.No. 11744 of 2016

WP No.11744 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No. 044771/201/ G.57/G.572/2012-12, dated 26.10.2013

WA No.1696 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dt.23/06/2016 made in WP.No.21495/2016.

WP No.21495 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/ G.57/ G.572 /2012-12, dated 28.10.2013.

WA No.1697 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dt 23/06/2016 made in WP No.21496/2016

WP No.21496 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/ G.57/ G.572 /2012-12, dated 28.10.2013.

WA No.1698 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dt 23/06/2016 made in WP No.21497/2016

WP No.21497 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/ G.57/ G.572 /2012-12, dated 28.10.2013.

WA No.1699 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dt.23/06/2016 made in WP.No.21498/2016.

WP No.21498 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/ G.57/G.572/2012-12, dated 28.10.2013

WA No.1700 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dated 23/06/2016 made in WP.NO.21499 of 2016 .

WP No.21499 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013

WA No.1701 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dt 23/06/2016 made in WP No.21500/2016

WP No.21500 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G.572/2012-12, dated 28.10.2013

WA No.1702 of 2018

Appeal filed under Clause 15 of Letters Patent to set aside the order dt. 23/06/2016 made in WP.No.21556/2016.

WP No.21556 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No. 044771/201/ G.57/ G.572/ 2012-12, dated 28.10.2013.

WP No.35135 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the Respondents herein to appoint the Petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the Second Respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G572/2012-12, dt. 28.10.2012.

Prayer in W.P.Nos.35136, 35137, 35926 to 35935, 36657, 36658, 39785, 39786, 41543, 42792, 42793 and 36890 of 2016:

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the Respondents herein to appoint the Petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the Second Respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/G572/2012-12, dt. 28.10.2013.

Prayer in W.P.Nos.36656, 36659 & 36660 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the respondents herein to appoint the petitioner to the Post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, The Chief Engineer(Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No.044771/201/G.57/ G.572/ 2012-12, dated 26.10.2013

Prayer in WP Nos.39782, 39783, 39784, 42793 and 42794 of 2016

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Directing the Respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) with attendant, service and monetary benefits in the above said post pursuant to the proceedings of the second respondent herein namely, the Chief Engineer (Personnel), Chennai, TANGEDCO, formerly TNEB Limited, bearing No. 044771 / 201 /G.57/G.572/2012-12 dated 07.12.2013

WP.NOS.42612, 42613 and 42614 of 2016:

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus Calling for the records relating to the impugned Letter bearing No.080614/438/ G57/G572/ 2016-1 dated 15.11.2016 of the 2nd respondent herein namely the Chief Engineer (Personnel) Tangedco Board 144 Anna Salai Chennai 600 002 quash the same as non-est in the eye of law and consequently direct the respondents herein to appoint the petitioner to the post of ITI Helper (Trainee) in the Respondent Tangedco Board with attendant service and monetary benefits within a time frame

WP.7865/2014 & 8864/2014:

Petition filed under Article 226 of the Constitution of India praying for the Issuance of Writ of Mandamus directing the 2nd and 3rd respondents to declare to the petitioner as the selected candidate for the post of ITI Helper Trainee in the 2nd respondent Corporation.

For Appellants in WA Nos.
574/17, 990/16,
date of Disposal dibtors 1696 to 1702/18
: Mr.K.S.Govinda Prasad
and
For Respondents in WA
Nos.1450 to 1462/17 : Mr.K.S.Govinda Prasad

For Appellants in WA Nos.
1450 to 1462/17
and
For Respondents 1 & 2 in : Mr.P.R.Dhilip Kumar
WA Nos.574/17 &
Respondents 1 to 3 in WA
1696 to 1702/18 : Mr.P.R.Dhilip Kumar
No. 990/16 : Standing Counsel

For Respondent-3 : Mr.P.S.Sivashanmuga Sundaram
in WA No.574/17 : Special Government Pleader

For Petitioners in WP Nos.

35135-35137, 35926-
35935, 36656-36660,
39782-39786, 41543,
42612-42614, 42792-
42794 & 36890/16

: Mr.K.S.Govinda Prasad

For Petitioners in WP

Nos.8864 & 7865/14

: Mr.P.R.Balasubramanian

For Respondents in

all W.Ps.

Mr.P.R.Dhilip Kumar

: Standing Counsel

J U D G M E N T
(Delivered by M.Dhandapani,J)

This writ appeals and the writ petitions are directed against the common issue and therefore, all the matters were clubbed together and disposed by way of common order.

2. The appellants in W.A.Nos.574 of 2017, 990 of 2016 and 1696 to 1702 of 2018 are the writ petitioners whose prayer for a mandamus directing the Chief Engineer (Personnel) of the Corporation and the Commissioner of Employment and Training, Guindy, Chennai, to consider their claim for appointment as Helper (Trainee) in the Corporation, was rejected by the learned single Judge. The appellants in W.A.Nos.1450 to 1462 of 2017 is the Corporation which has been directed to appoint the first respondent as ITI Helper (Trainee) by another learned single Judge.

3. The facts which led to the filing of the present writ appeals are as under:

The appellants in W.A.Nos.574 of 2017, 990 of 2016 and 1696 to 1702 of 2018 and the first respondent in W.A.Nos.1450 to 1462 of 2017 are ITI holders in the Trade of Wireman and Electrician. They have got themselves registered in the Employment Exchange. The Corporation issued proceedings in B.P.No.14 dated 12.7.2012 calling for applications to fill up 4000 vacancies of Helper/Trainee through direct recruitment from the Employment Exchange. Consequent to the order passed by the High Court in a batch of writ petitions, relaxing the upper age limit in respect of ITI Trade Certificate Holders, the impediment for the appellants and the contesting respondents for considering them for direct recruitment got cleared. Thus, they applied to the post of ITI Helper/Trainee, as they undergone Apprenticeship Training under the Apprentices Act, 1961 and secured industrial training. Subsequently, interview was conducted and marks were given in favour of candidates and thus,

according to them, interview was not conducted in a proper manner. Though on an earlier occasion, they were called for an interview in the year 2008-09 and also in 2013, they were not selected on the ground that they were over aged.

4. It appears that 84 similarly placed persons who were not selected on earlier occasion, challenged the selection process in writ petitions. Though the said writ petitions were dismissed, on appeal, a compromise was entered into between the Corporation and the appellants therein, consequent to which those 84 persons were appointed as ITI Helper (Trainee) by the Corporation.

5. The appellants in W.A.Nos.574 of 2017, 990 of 2016 and 1696 to 1702 of 2018 filed writ petitions seeking to extend the benefit of the compromise memo entered between the Corporation and 84 similarly placed persons in the writ appeal supra. The learned single Judge after hearing both the parties dismissed holding that the petitioners were not parties to the said compromise memo and therefore, the benefit of the compromise memo cannot be extended to them. Challenging the said order, the individuals have come up with appeals. However, the writ petitions filed by the first respondent in W.A.Nos.1450 to 1462 of 2017 seeking to extend the benefit of the compromise memo relief were allowed by another learned single Judge. Challenging the said order, the Corporation has come up with appeals.

6. The learned counsel appearing for the appellants, contesting respondents and the petitioners submitted that the Corporation has entered into compromise with the 84 unsuccessful candidates and given appointment to them and since these appellants, contesting respondents and petitioners are similarly placed persons like that of the 84 similarly placed persons in the compromise memo, they are also entitled to the said benefit.

7. To buttress his contention, the learned counsel relied upon the decision of the Supreme Court in State of Uttar Pradesh v. Arvind Kumar Srivasatava [(2015) 1 SCC 347].

8. Per contra, learned Standing Counsel appearing for the Corporation submitted that Clause (4) of the compromise memo clearly states that the benefit extended therein will not apply to those persons who have not approached the Court on time challenging the selection process and also that the said compromise could not be treated as a precedent.

9. On a careful consideration to the submissions of both sides, the issue that has to be decided by us is whether the benefit of the compromise entered into between the Corporation and the 84 similarly placed persons can be extended to the appellants herein, contesting respondents and the writ petitioners or not.

10. In order to answer the issue in the instant case, it is necessary for us to see the prayer of the 84 similarly placed persons who entered into compromise with the Corporation. Those 84 persons challenged the selection process and on becoming unsuccessful, they filed writ appeals. At that time, the Corporation entered into compromise with them and thereafter appointed them as ITI Helper/Trainee.

11. The prayer of the appellants as well as the first respondent herein in the writ petitions filed by them is for a direction to the Corporation to consider their claim for appointment as Helper (Trainee) with ITI qualification possessed by them and that of the selection held during October 2013 with reference to the direct recruitment to the said post in the existing or next arising vacancy on the basis of the representation and as per the directions dated 14.10.2015 made in W.A.No.81 of 2015 etc. batch.

12. It is thus clear that in the instant case, the claim for appointment as ITI Helper (Trainee) is based on the compromise memo entered into between the Corporation and 84 similarly placed persons. In other words, the claim is to extend the benefit of the compromise memo.

13. At this juncture, it is pertinent to refer to the decision of the Apex in State of Uttar Pradesh v. Arvind Kumar Srivasatava [(2015) 1 SCC 347], wherein it is held as follows:

"22. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under.

22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article

14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

22.3. However, this exception may not apply in those cases where the judgment pronounced by the court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated persons. Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C.Sharma v. Union of India). On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence."

14. A perusal of the above would make it clear that the Hon'ble Apex Court has clarified that the benefit granted to a particular set of employees should be extended to the

identically situated persons, as otherwise, it would amount to discrimination and violation of Article 14 and that this principle should be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly.

15. The Apex Court has also made it clear that the persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay, as their counterparts who approached the Court earlier had succeeded in their efforts, cannot claim the benefit of the judgment rendered in the case of similarly situated persons to be extended to them.

16. In the light of the ratio laid down by the Apex Court supra, if we come to the case on hand, it is clear that the prayer made by the appellants, contesting respondents and petitioners is entirely different from the prayer made by the 84 similarly placed persons who secured job, as, in the instant case, the prayer is to extend the benefit of the compromise memo entered into between the Corporation and the 84 similarly placed persons, but in the writ petitions filed by the 84 similarly placed persons, a challenge is made to the selection process.

17. In this regard, it is necessary to have a look into the compromise memo entered into between the Corporation and the petitioners in the earlier cases, the relevant portion of which reads as follows:

"As per the respondent Corporation's request, this order will not apply to the persons, who did not approach this Hon'ble Court in time challenging the selection process and that this compromise cannot be treated as a precedent as this order is binding as between the parties on the basis of the consensus reached".

18. A reading of the above is very specific that the benefit of the compromise memo cannot be extended to other persons except the petitioners therein. In other words, it cannot be equated to judgment in rem, but it is only a judgment in personam.

19. In the light of the fact that the judgment based on compromise is not a judgment in rem, we have no hesitation to

hold that the appellants, first respondent and the writ petitioners who claim the benefit of compromise memo to be extended to them, are not entitled to such benefits. Accordingly, the W.A.Nos.574 of 2017, 990 of 2016 and 1696 to 1702 of 2018 and the writ petitions are dismissed. W.A.Nos.1450 to 1462 of 2017 are allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kpl

TO:

1. THE CHAIRMAN AND MANAGING DIRECTOR
TANGEDCO
NO.144, ANNA SALAI
CHENNAI 2.
2. THE CHIEF ENGINEER (PERSONNEL)
TANGEDCO
NO.144, ANNA SALAI
CHENNAI 2.
3. THE COMMISSIONER
EMPLOYMENT & TRAINING
GUINDY
CHENNAI.
4. THE SUPERINTENDING ENGINEER
THANJAVUR ED CIRCLE TANGEDCO FORMERLY TNEB LTD
NO.1 VALLAM ROAD THANJAVUR - 613 001
5. THE SUPERINTENDING ENGINEER
VILLUPURAM ED CIRCLE TANGEDCO
VILLUPURAM- 605 602.
6. THE SUPERINTENDING ENGINEER
CUDDALORE ED CIRCLE TANGEDCO POST BOX NO.27
15A NETHAJI ROAD CUDDALORE-607 001.

7. THE SUPERINTENDING ENGINEER
VELLORE FD CIRCLE TANGEDCO GANDHI NAGAR
VELLORE-632 006.
8. THE SUPERINTENDING ENGINEER
SALEM ED CIRCLE TANGEDCO UDAYAPATTI
BY PASS ROAD, KAMARAJ NAGAR COLONY SALEM 636 014
9. THE SUPERINTENDING ENGINEER
DHARMAPURI ED CIRCLE TANGEDCO FORMERLY TNEB
LIMITED DHARMAPURI 636 706.
10. THE CHIEF ENGINEER DISTRIBUTION
MADURAI ED CIRCLE,
TANGEDCO FORMALLY TNEB LIMITED,
MADURAI.
11. THE CHAIRMAN,
TAMIL NADU ELECTRICITY BOARD,
MOUNT ROAD, CHENNAI.
12. THE CHIEF ENGINEER,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED,
THANJAVUR.
13. THE SUPERINTENDING ENGINEER,
TRICHY ED CIRCLE,
TANGEDCO, TRICHY DISTRICT.
14. THE SUPERINTENDING ENGINEER,
THIRUVANNAMALAI ED CIRCLE,
TANGEDCO FORMERLY TNEB LIMITED
THIRUVANNAMALAI- 606 604.
15. THE CHIEF ENGINEER DISTRIBUTION,
POST BOX NO.6, K.PUDUR,
TANGEDCO FORMERLY LIMITED,
MADURAI-625 002.

16. THE SUPERINTENDING ENGINEER,
DHARMAPURI CIRCLE,
TANGEDCO FORMARLY TNEB LIMITED,
DHARMAPURI-636 706.

+46cc to M/s.K.S.Govindaprasad, Advocate sr.no.53198, 53197,
53196, 53195, 53194, 53192, 53191, 53190, 53189, 53188 and 53000)

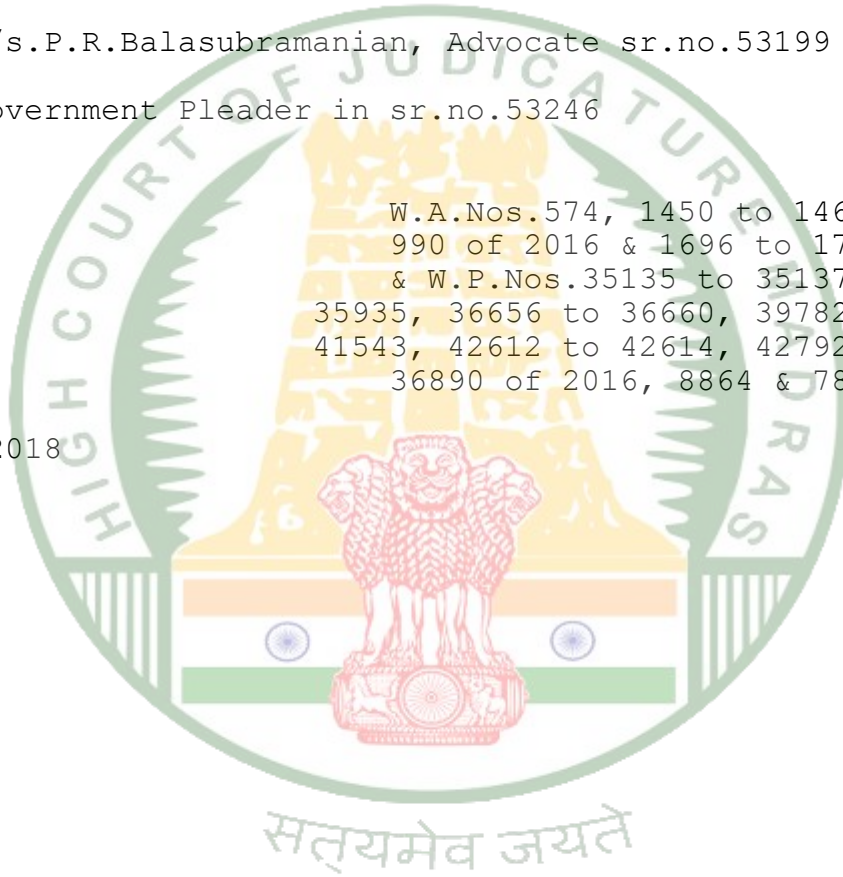
+2cc to M/s.P.R.Dhilipkumar, Advocate sr.nos.54893 and 52946

+2cc to M/s.P.R.Balasubramanian, Advocate sr.no.53199 & 53202

+1cc to Government Pleader in sr.no.53246

W.A.Nos.574, 1450 to 1462 of 2017,
990 of 2016 & 1696 to 1702 of 2018
& W.P.Nos.35135 to 35137, 35926 to
35935, 36656 to 36660, 39782 to 39786,
41543, 42612 to 42614, 42792 to 42794,
36890 of 2016, 8864 & 7865 of 2014.

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