

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.22791 of 2016 and
WMP.No.19465/2016

Sooriya Palan

... Petitioner

Vs

1.The Tamil Nadu Electricity Board
rep. by its Chairman,
Anna Salai, Chennai-2.

2.The Chief Engineer (Personnel),
TANGEDCO/TNEB,
No.144, Anna Salai,
Chennai-2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to prepare a common seniority list of Junior Engineer Grade II and effect promotions in accordance with the same.

For Petitioner : Mr.R.Subramanian

For Respondents: Mr.P.R.Dhilipkumar,
Standing Counsel

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to prepare a common seniority list of Junior Engineer Grade II and effect promotions in accordance with the same.

2. The case of the petitioner is that he joined the respondent Board as Helper on 24.7.1987 and at present working as Junior Engineer Grade II (Electrical) from 31.10.2009 pursuant to the proceedings in Memo No.057689/631/G12/G122/2009-9 dated 29.10.2009. In the proceedings, 324 non-Diploma Holders were appointed as Junior Engineer Grade II by promotion-cum-transfer method and out of this 324 now, 133 persons are in service and others have retired.

3. The further case of the petitioner is that as per Service Regulations Division 1 Clause III, 3:1 ratio is adopted for the promotion of Junior Engineer Grade II between Diploma and Non Diploma Holders. For promotion to Junior Engineer Grade I, it provides that the mode of Recruitment is promotion from Junior Engineer Electrical Grade II (Division I) Clause III. In other words, there is no difference between Diploma and Non-Diploma Holders. The reason being the persons who are working as Junior Engineer Grade-II are eligible to be promoted as Grade I as and when vacancies arise. Now the grievance of the petitioner is that the respondents have not prepared Common Seniority List for Junior Engineer Grade-II for promotion to the post of Junior Engineer Grade-I. In this regard, the petitioner has given a representation to the respondents. But the same has not been considered. Hence the present Writ Petition.

4. The learned Counsel appearing for the petitioner submitted that the issue in dispute has already been decided by Madurai Bench of Madras High Court in W.P. (MD) No.20714 of 2015 by order dated 25.7.2017.

5. I have perused the said decision. The relevant portion is given as under :

'14. When the first respondent has taken a stand in the counter affidavit that the petitioners have not come within the zone of consideration, no basis has been made to say that they are ineligible to be brought in the zone of consideration for the post of Junior Engineer Grade-I. Therefore, no prejudice would be caused to the Department, if they are directed to prepare a common seniority list among the Junior Engineers Grade-II, specifically mentioning the dates of their respective joining in the said post. Therefore, the impugned seniority list is hereby set aside. The first respondent is directed to prepare a common seniority list among the Junior Engineers Grade-II, within a period of eight weeks from the date of receipt of a copy of this order and after framing such common seniority list, the same shall be displayed inviting objection from the affected persons, if any, and thereafter, within three weeks they can proceed further, by giving promotion to the post of Junior Engineer Grade-I. Needless to mention that the first respondent is given liberty to work out the placement of the Junior Engineers Grade-I at the time of giving promotion by rearranging the seniority list, but till then, the status quo as on today shall be maintained.

15. With the above direction, this Writ Petition is partly allowed.'

6. At this stage, Mr.P.R.Dhilipkumar, learned Standing Counsel appearing for the respondents sought for time to take instructions. But this Court is not inclined to give him any time to get instructions, since this Court has already considered the issue raised in the present Writ Petition in W.P. (MD) No.20714 of 2015 dated 25.7.2017 and while partly allowing the said writ petition, directed the Chief Engineer/Personnel, TANGEDCO/TNEB, Chennai to prepare a common seniority list among the Junior Engineers Grade-II, within a period of eight weeks from the date of receipt of a copy of this order, this Court is of the view that the prayer in the writ petition has become infructuous.

7. In the result, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chariman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.
- 2.The Chief Engineer (Personnel),
TANGEDCO/TNEB,
No.144, Anna Salai,
Chennai-2.

+1cc to Mr.R.Subramanian, Advocate, S.R.No. 81586
+1cc to Mr.T.R.Dilip Kumar, Advocate, S.R.No. 80852

CNR(CO)
GN(31/12/2018)

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