

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

W.P. No. 32369 of 2017

G. Subbian

..Petitioner

Vs.

1. Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO)
No.144, Anna Salai,
Chennai - 600 002.
 2. Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Theni Distribution Circle, Theni.
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to treat the petitioner as Scheduled Caste (SC) candidate and place him at the appropriate place in the Assistant Engineer (Electrical) Seniority List dated 06.11.2017 and promote him as Assistant Executive Engineer by considering his representation dated 16.11.2017.

For Petitioner :: Mr.V. Stalin

For Respondents:: Mrs.R. Varalakshmi

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st respondent to treat the petitioner as Scheduled Caste (SC) candidate and place him at the appropriate place in the Assistant Engineer (Electrical) Seniority List dated 06.11.2017 and promote him as Assistant Executive Engineer by considering his representation dated 16.11.2017.

2. The case of the petitioner is that he joined the respondent Corporation as Technical Assistant on 02.01.1999. Thereafter, he became a Junior Engineer 2nd Grade by promotion on

21.04.2005 and subsequently, on completing B.E. Degree through part-time course and having qualified on 01.02.2006, became an Assistant Engineer (Electrical) by internal selection. According to the petitioner, in the annexure to the order of appointment to the post of Technical Assistant, issued to him, by proceedings of Superintending Engineer, Dindigul District dated 24.12.1997, his name was correctly registered as "G. Subbian" and his date of birth was rightly mentioned as "13.12.1973" and so also, his community, which was correctly recorded as "Scheduled Caste". However, according to the petitioner, in the tentative seniority list of Assistant Engineers published by the 1st respondent on 28.06.2017, pursuant to which suitability report had been called for, for promotion to the post of Assistant Executive Engineer, the name of the petitioner was wrongly mentioned as "G. Subbiah", besides his date of birth and community, which were also wrongly mentioned as "13.12.1972" and "Backward Class" respectively. Further, it is the case of the petitioner that being a Scheduled Caste candidate, he should have been placed at the top in the seniority list, but, in view of the wrong entries made, he was placed at Serial No.143, much to his prejudice. In this regard, the petitioner submitted a representation to the 1st respondent on 24.08.2017 for correction of wrong entries and also for his due placement in the seniority list of Assistant Engineers. However, there was no response. The 2nd respondent, by proceedings dated 21.09.2017, had also recommended the case of the petitioner to the 1st respondent. But, even in the seniority list published subsequently on 06.11.2017, the position of the petitioner remained the same. Therefore, the petitioner submitted another representation on 16.11.2017 to the 1st respondent along with recommendation made by the 2nd respondent by proceedings dated 21.09.2017, his community certificate and other relevant documents, highlighting his grievance and to redress the same. However, the said representation is yet to be considered. Hence, the present writ petition for the relief aforesaid.

3. Heard the learned counsel on either side.

4. It is seen from the proceedings of the Superintending Engineer, Dindigul District, dated 24.12.1997, by which the petitioner was appointed as Technical Assistant (Electrical), that the petitioner's name, date of birth and community were indicated as "G.Subbian", "13.12.1973" and "Scheduled Caste Community". Further, it is seen that even when the petitioner was subsequently promoted as Assistant Engineer (Electrical), by proceedings dated 28.01.2006, his name and date of birth had been mentioned as stated above. Moreover, the 2nd respondent, by proceedings dated 21.09.2017 had also recommended the case of the petitioner to the 1st respondent for rectifying the wrong entries made in the Seniority List of Assistant Engineers

(Electrical) published on 06.11.2017 with regard to the name, date of birth and community of the petitioner.

5. In such circumstances and considering the pendency of the representation of the petitioner dated 16.11.2017 in this regard, this Court finds no impediment to issue a direction to the 1st respondent to consider and dispose of the petitioner's representation within a specified time.

6. Though the learned counsel for the respondents sought four weeks time to enable the 1st respondent to dispose of the petitioner's representation, this Court is inclined to grant only two weeks' time.

7. Accordingly, the writ petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 16.11.2017 and pass appropriate orders, on merits, in accordance with law and in the light of the proceedings of the 2nd respondent dated 21.09.2017, within a period of two weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

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

2. Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO),
Theni Distribution Circle, Theni.

+1 CC to Mr.R. Varalakshmi, Advocate sr 434.
+1 CC to Mr.V. Stalin, Advocate sr 94.

W.P. No. 32369 of 2017

SP(24/01/2018)