

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7240 of 2007

D.Devaraj

... Petitioner

Vs.

1.Tamil Nadu Electricity Board; Rep. by
Chairman, No.600, Anna Salai,
Chennai - 2.

2.Tamil Nadu Electricity Board; Rep. by
Chief Engineer/ Personal
600, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer
Nilgiris Electricity Distribution Circle,
Udhagamandalam.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent herein made in memo No.11782 . 1086- 621 file 50/2006 dated 20.11.2006 quash the same and consequentially direct the respondent herein to restore the seniority of the petitioner, as it was in the provisional list dated 01.07.1999 published by the third respondent.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent made in Memo No.11782 - 1086 - 621 - file.50 - 2006 dated 20.11.2006, to quash the same and to consequentially direct the respondents to restore the seniority of the petitioner as it was in the provisional list dated 01.07.1999 published by the third respondent.

2.The case of the petitioner is that he joined the service of the respondents as Commercial Assistant on 30.04.1991. Subsequently, on 31.03.1993, on his request, the petitioner was transferred from Coimbatore Electricity Distribution Circle/ South Section (Present Nilgiris Electricity Distribution Circle/ Ooty) above initial category to the Coimbatore Electricity Distribution Circle/ North Section.

3.The petitioner would further state that he has not given any undertaking to forego his seniority at the time of transfer. However, contrary to that, in the order issued to him, it was mentioned that he will loose his seniority. Hence, the petitioner made several representations to the respondents to refix his seniority. Since there was no response, the petitioner filed writ petition in W.P.No.23484 of 2006 before this Court and this Court vide order dated 01.08.2006 disposed of the said writ petition by directing the second respondent therein to consider the petitioner's representation dated 10.03.2006. Thereafter, the impugned order came to be passed. Hence, this writ petition.

4.Heard the arguments advanced on either side.

5.The petitioner was transferred on his own volition. His request for refixation of seniority was rejected because each Distribution Circle have separate seniority list. When the petitioner opted to transfer from South to North, he has to forgo his seniority in the South Circle. Accordingly, his request for transfer was considered. After transfer, the petitioner's seniority will be considered as fresh entrant in the North Distribution Circle. Accordingly, his seniority was fixed in the appropriate place in the North Circle.

6.Even perusal of the petitioner's representation discloses that the petitioner on his own volition has opted for transfer from South Distribution Circle to North Distribution Circle.

7.In view of the above, I do not find any error in the impugned order passed by the third respondent. The writ petition is accordingly dismissed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board;
No.600, Anna Salai,
Chennai - 2.

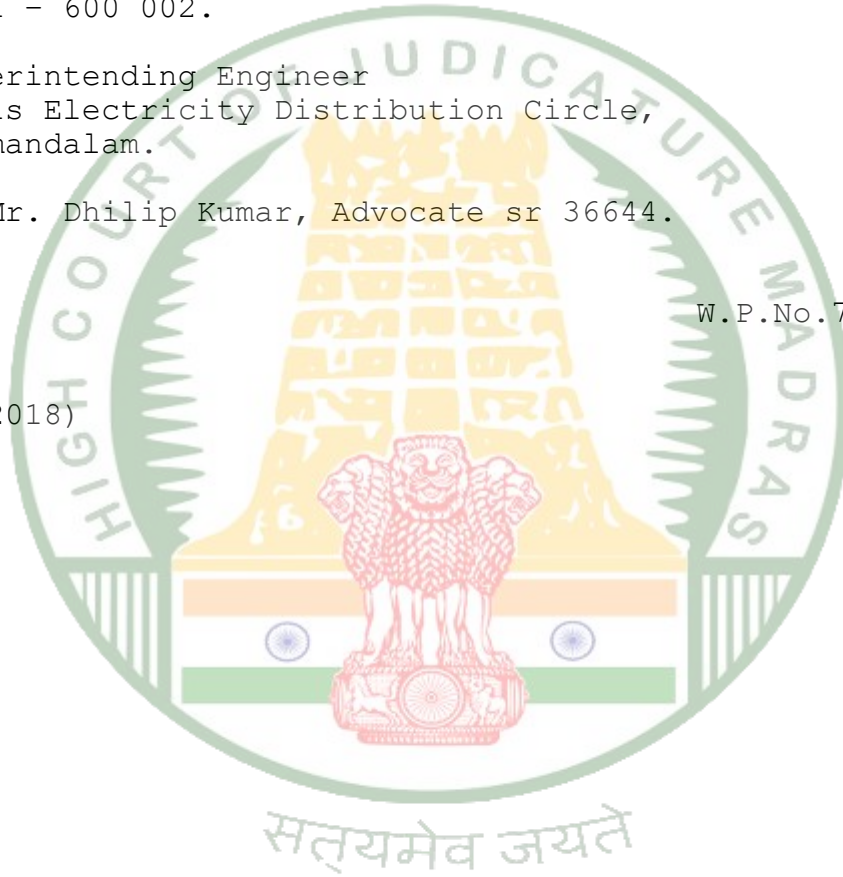
2. The Chief Engineer/ Personal
Tamil Nadu Electricity Board;
600, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer
Nilgiris Electricity Distribution Circle,
Udhagamandalam.

+1 CC to Mr. Dhilip Kumar, Advocate sr 36644.

W.P.No.7240 of 2007

SKS (CO)
SP (03/07/2018)



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