

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.21223 of 2018

S.Arumugam

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
3. The Chief Engineer,
North Chennai Thermal Power
Station Stage-I,
Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai - 120.
4. The Superintending Engineer,
Purchase & Administration,
North Chennai Thermal Power
Station Stage-I,
Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai - 120.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the 1st respondent to grant promotion to the post of Foreman Grade I by considering the petitioner's representation dated 15.05.2018.

For Petitioner : Mr.G.Anand Kumar
for M/s.Thamzharasi Law Firm

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

O R D E R

The petitioner worked as Contract Labourer in the respondent Corporation from 1995 to 1999 and he was appointed as Helper on 01.05.1999 and posted to North Chennai Thermal Power Station. While so, he was placed under suspension on 19.02.2000 by the 4th respondent on the allegation that he produced bogus educational certificate at the time of appointment. Thereafter, the respondent Corporation issued BP No.27 dated 07.11.2002 for reinstatement of all helpers who produced bogus certificates imposing a punishment of stoppage of increment for a period of three years. Pursuant to the same, the 4th respondent has revoked the suspension order by an order dated 12.05.2004 and he joined duty on 14.05.2004 at Meter Relay Test Section/Sub Division-I under the control of the 4th respondent. The petitioner was promoted to the post of Supernumerary Fitter Grade-II, by an order dated 27.06.2012 and he joined the said post on the same day. While so, the 4th respondent, by an order dated 07.12.2012, cancelled the promotion order dated 27.06.2012, without giving notice. In respect of the same, the petitioner made several requests before the respondents to withdraw the cancellation of promotion order and grant him promotion with all monetary benefits, which was not considered. Thereafter, the petitioner made a representation dated 13.07.2016 to the 3rd respondent, subsequent to which, the 4th respondent issued promotion order dated 18.01.2017. Again, the 4th respondent cancelled the promotion order dated 18.01.2017 without giving any notice to the petitioner. Hence, the petitioner made a representation dated 15.05.2018 to the first respondent requesting him to grant promotion. However, the said representation has not been considered. Hence, the petitioner is before this Court, seeking a direction to the 1st respondent to grant promotion to the post of Foreman Grade I by considering the his representation dated 15.05.2018.

2. The learned counsel appearing for the petitioner submitted that it would suffice, if the petitioner's representation dated 15.05.2018 is directed to be considered by the 1st and 4th respondents within the stipulated time.

3. Mr.Dhilip Kumar, learned Standing Counsel appearing for the respondents takes notice and submitted that the 1st and 4th respondents would consider the representation of the petitioner and pass orders thereon.

4. In view of the limited prayer sought for herein, this Court, without going into the merits of this case, directs the 4th respondent or any other competent respondent to consider the representation of the petitioner dated 15.05.2018 and to pass orders thereon, on merits and in accordance with law, within a

period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ogy

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
3. The Chief Engineer,
North Chennai Thermal Power
Station Stage-I,
Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai - 120.
4. The Superintending Engineer,
Purchase & Administration,
North Chennai Thermal Power
Station Stage-I,
Tamil Nadu Generation and Distribution
Corporation Ltd., Chennai - 120.

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.77541
+1cc to M/s.Thamzharasi Law Firm, Advocate, S.R.No.76979

W.P.No.21223 of 2018

VBA (CO)
CS/08/01/2019