

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P. No. 12464 of 2018

R. Nataraj

..Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO, Chennai - 2.
2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Chennai - 02.
3. The Chief Engineer,
Erode Region,
TANGEDCO, Erode-02.
4. The Addl. Chief Engineer/Superintending,
TANGEDCO, Erode - 02.
5. The Superintending Engineer,
TANGEDCO, Gopi - 638452
Erode District.
6. The Executive Engineer,
TANGEDCO, Gopi - 638 452
7. The Assistant Executive Engineer (South),
TANGEDCO, Gobi - 638 452 ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct the respondents to consider the representation dated 10.04.2018 made by the petitioner within a time frame.

For Petitioner :: Mr.S. Muthaiah
For Respondents :: Mr.P.R. Dilip Kumar,
Standing Counsel for EB

O R D E R

Mr.P.R. Dilip Kumar, learned counsel, takes notice for the respondent.

2.By mutual consent of both sides, the Writ Petition itself is taken up for final disposal.

3.The grievance of the petitioner is that the petitioner joined the service as temporary labour at Mettur Electricity Distribution Circle of Tamil Nadu Electricity Board on 01.01.1970. Subsequently, he joined as helper during the year 1974 in Erode circle. After that he was appointed as C.A., on 01.06.1979. He then worked as Wire man, lineman, line Inspector and promoted as Foreman I Grade on 27.10.1999 and rendered unblemished service.

4. On 13.08.1997, a charge memo was issued to the petitioner and after enquiry stoppage of one year increment was granted to the petitioner as punishment on 06.03.1998. Against which, the petitioner preferred an appeal before the Chief Engineer Erode Zone, Erode, and the same was dismissed.

5. Against the dismissal order, the petitioner preferred an appeal before the Labour Court, Salem, in I.D.No.534 of 2001. On 13.01.2013, the Labour Court passed order to set aside the punishment and for promotion of the petitioner to the post of Foreman Grade I as on 27.10.1999. As the order of the labour Court was not complied with, the petitioner filed a Writ Petition in W.P.No.12145 of 2014, and the same was disposed of with direction to get remedy under Order 21 of the Code of Civil Procedure 1908.

6. Based on the Labour Court order, the petitioner was promoted as Foreman Grade I as on 27.10.1999 and his salary and other benefits were fixed. Subsequently, the petitioner retired from service during the year 2010 as Junior Engineer Grade II. In the meanwhile the Juniors of the Petitioner viz., S.Radhakrishnan and J.Sengottaiyan were promoted as Foreman Special Grade and salary benefit fixed since 23.11.2006. Thus the petitioner gave a representation on 10.04.2018 to the respondents to promote him as Foreman Special Grade and to fix the salary benefit. The respondents has not taken any effective steps. Hence, the petitioner is before this Court by filing the present writ petition.

7.Heard Mr.S.Muthaiah, learned counsel, appearing for the petitioner. Mr.P.R.Dilipkumar, learned standing counsel appearing for Electricity Board.

8.Taking into consideration the limited scope of the prayer now made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the representation, is constrained to direct the respondents to consider the representation submitted by the petitioner, dated

10.04.2018 and pass orders on merits and in accordance with law, after issuing notice to the petitioner, on or before 31.07.2018.

6. With the above said direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar/ Vacation Officer

//True copy//

Sub Assistant Registrar

sai/vsg

To

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7. The Assistant Executive Engineer (South),
TANGEDCO, Gobi - 638 452

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.33696
+1cc to Mr.S.Muthaiah, Advocate SR.No.33690

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LRS (CO)
GN(22/05/2018)