

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.2785 of 2018

R.Gopal

...Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu General Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.
2. The Secretary,
Tamil Nadu General Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.
3. The Chief Engineer (Personnel),
Tamil Nadu General Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to promote the petitioner to the post of Chief Engineer/Civil with effect from 12.10.2015 on rectification of anomaly in the fixation of seniority in the post of Assistant Engineer/Civil by applying the ratio 1:1 between Priority and Non-Priority Category with all consequential and other attendant benefits by considering the representation submitted by the petitioner dated 05.12.2017 and 03.01.2018, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel for R1 to R3

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to promote the petitioner to the post

of Chief Engineer/Civil with effect from 12.10.2015 on rectification of anomaly in the fixation of seniority in the post of Assistant Engineer/Civil by applying the ratio 1:1 between Priority and Non-Priority Category with all consequential and other attendant benefits by considering the representation submitted by the petitioner dated 05.12.2017 and 03.01.2018, within a time frame.

2. The petitioner was appointed as Assistant Engineer (Civil) by direct recruitment in the erstwhile TNEB, now called TANGEDCO, on 26.08.1989. The petitioner is one among the candidates selected under Scheduled Caste category and he is also coming under Ex-Servicemen Priority category. Even prior to his appointment, G.O.Ms.No.1064, Public (Services) Department dated 16.03.1956 was issued directing the respondents department to fill up vacancies through Employment Exchange by considering the candidates under Priority Category and Non-Priority in the ratio of 1:1. Thereafter, G.O.Ms.No.541, P&AR Department dated 29.09.1989, was issued directing to follow 1:4 ratio, subject to Rule of Reservation between Priority and Non-Priority category and the same has also been followed in the subsequent Government Order in G.O.Ms.No.398, P&AR Department dated 13.09.1990 for maintenance of roster points.

3. The learned counsel for the petitioner has submitted that as the petitioner was appointed as early as on 21.08.1989, he should be given the benefit of 1:1 ratio for fixation of seniority.

4. It is not known how the petitioner has come to this Court, when the ratio of 1:1, which was initially fixed as per G.O.Ms.No.1064, Public (Services) Department dated 16.03.1956 was subsequently modified by G.O.Ms.No.541, P&AR Department dated 29.09.1989 by fixing 1:4 ratio and the same has also been maintained in the subsequent Government Order in G.O.Ms.No.398, P&AR Department dated 13.09.1990. Therefore, when the ratio of 1:4, which is being followed by virtue of G.O.Ms.No.398, P&AR Department dated 13.09.1990 has not been questioned, the petitioner cannot maintain this writ petition.

5. This Writ Petition fails and accordingly, it is dismissed. No costs.

s/d-

Assistant Registrar(CS VII)

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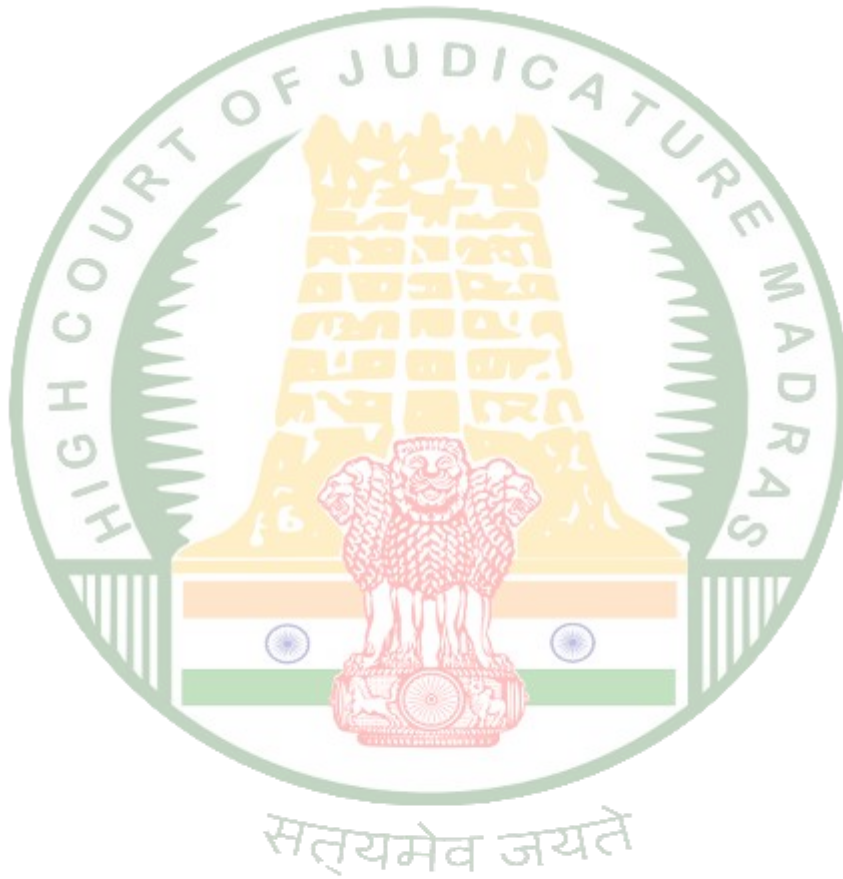
Sub-Assistant Registrar

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+1 CC to Mr.G. Sankaran, Advocate s 10120.

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SJ(CO)
SP(21/02/2018)



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