

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.14867 of 2018

K.R.Murugabharathi

..Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.

2. The Chief Engineer (Personnel),
TANGEDCO (Administrative Branch),
No.144, Anna Salai,
Chennai- 600 002.

3. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Dharmapuri.

4. The Executive Engineer/Electrical
Operation & Maintenance Division,
TANGEDCO/TNEB
Kadamparai Power House,
Coimbatore District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first

respondent herein to consider the appeal of petitioner dated 09.03.2018 and include the name of the petitioner in the panel for promotion to the post of Assistant Executive Engineer and accordingly grant the petitioner with promotion to the post of Assistant Executive Engineer without insisting upon the suitability report from Dharmapuri Circle.

For Petitioner : Mrs.Dakshayani Reddy
for Mr.P.Nethaji
For Respondents : Mr.P.R.Dhilipkumar (R1 to R4)
Standing counsel

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent herein to consider the appeal of petitioner dated 09.03.2018 and include the name of the petitioner in the panel for promotion to the post of Assistant Executive Engineer and accordingly grant the petitioner with promotion to the post of Assistant Executive Engineer without insisting upon the suitability report from Dharmapuri Circle.

2. Mr.P.R.Dhilip Kumar, learned counsel accepts notice on behalf of the respondents.

3. By consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

4. Heard the learned counsel for the petitioner as well as learned counsel who accepts notice on behalf of the respondents.

5. The grievance of the petitioner is that though the petitioner was empanelled for promotion according to seniority, in the final list prepared for promotion his name was not found and he has not been accorded promotion as the suitability report was not received.

6. The learned counsel for the petitioner would submit that for such availability of suitability report, the petitioner has no role to play. The petitioner's Service Register is very good and he is found eligible for promotion and inspite of the same, for the reasons best known to the authorities, he was denied promotion. She would further submit that the petitioner in this regard also made appeal to the first respondent on 09.03.2018. Since, no orders have been passed till date, the petitioner has come up with this Writ Petition seeking for the aforesaid relief, but submits it would suffice, if the first respondent is directed to consider his appeal within a stipulated period.

7. The learned standing counsel appearing for the respondents would submit that if such appeal is pending the respondents have no objection in disposing of the appeal, within a stipulated period as fixed by this Court,.

8. In such view of the matter, this Court is of the view that no useful purpose would be served in seeking counter affidavit from the respondents.

9. Hence, considering the facts and circumstances of the case and also the submissions made, this Writ Petition is disposed of with a direction to the first respondent to consider the appeal filed by the petitioner dated 09.03.2018 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediment, and communicate the decision taken to the petitioner. However, it is made clear that this Court has expressed no opinion on the merits of the appeal. No costs.

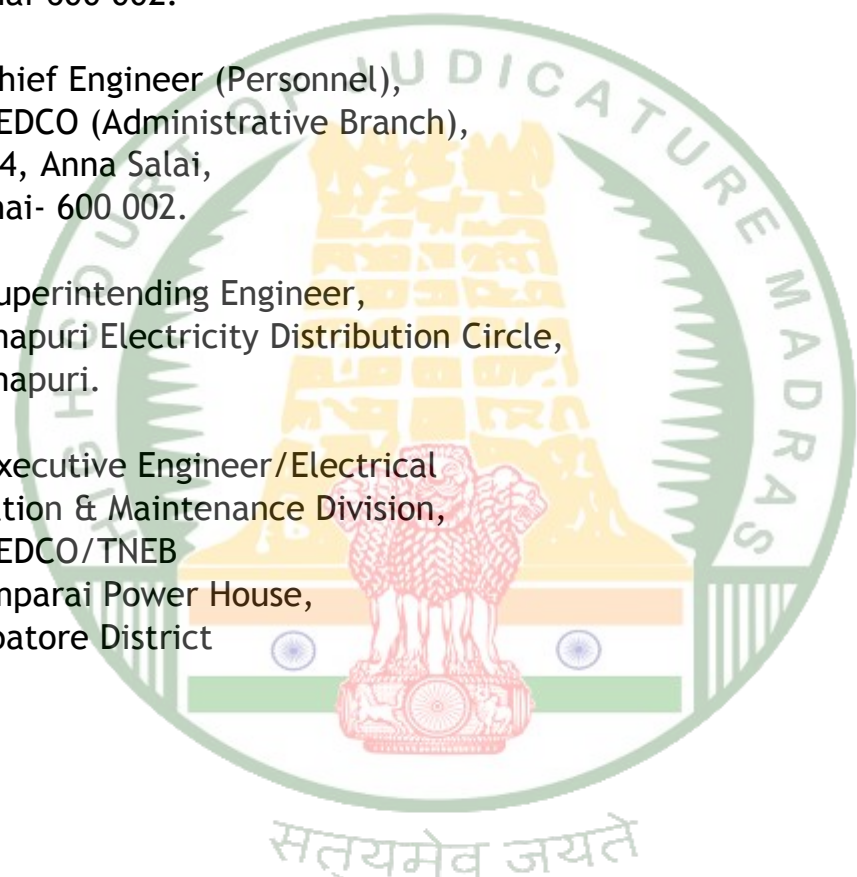
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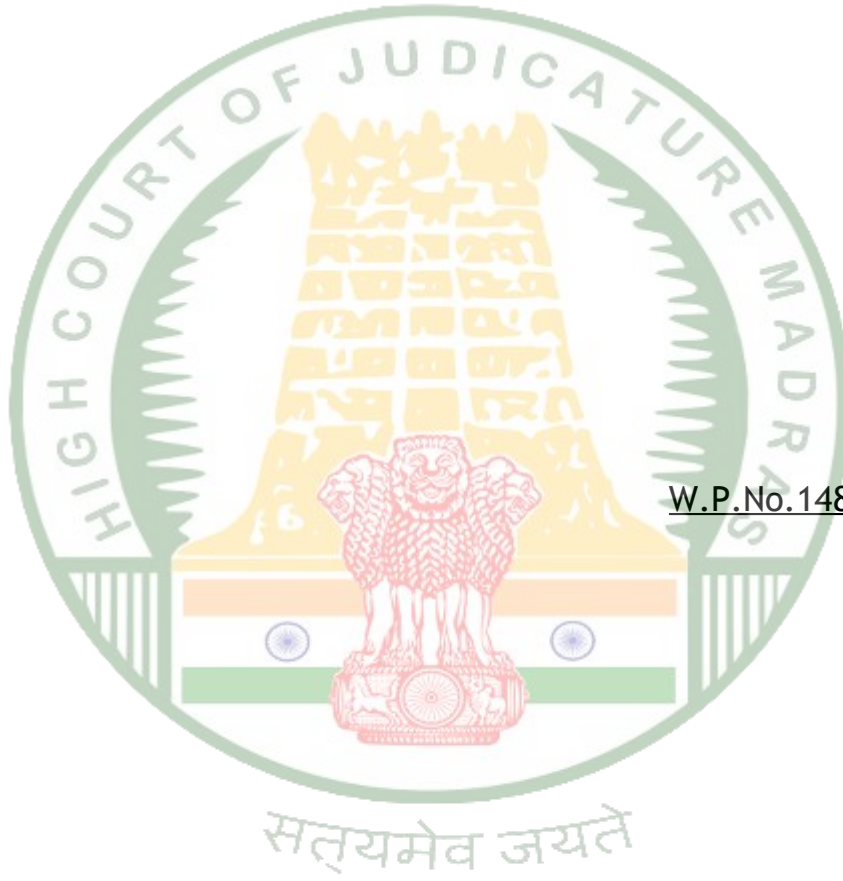
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SATRUGHANA PUJAHARI, J

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