

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-10-2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.16025 of 2014
and
M.P.Nos.1 & 2 of 2014

A.Ravindra babu

...Petitioner

vs.

1. The Chairman,
TANGEDCO TNEB Ltd,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer, Personnel
TANGEDCO TNEB Ltd,
No.144, Anna Salai,
Chennai - 600 002.
3. Superintending Engineer,
General Construction Circle-I,
Guindy, Chennai - 600 032.
- 4.K.Swaminathan,
Foreman Grade II,
C/o. Office of the Executive
Engineer, Transmission Line
Construction, No.A10,
TVK Industtrial Estate,
Guindy, Chennai - 600 032
5. M.Dhanasekaran,
Foreman Grade II,
C/o. Office of the Executive
Engineer, Transformer Repair
Bay (TNEB), Ambattur
Industrial Estate,
Chennai - 600 058.

[R4 and R5 impleaded as per
order dated 02.12.2014 in
MP.No.3 of 2014 in WP.No.16025
of 2014]

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records of the 2nd respondent dated 10.06.2014 vide Memo No. 109355 / 596 / G.46 / G.461 / 2012-19 and quash the same as illegal and against the Article 21 of Constitution of India and also direct the 3rd respondent not to disturb the Seniority list dated 01.03.2012 till the disposal of the Writ petition.

For Petitioner : Mr.V.Bhiman.

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

For EB For R1 to R3

Mr.S.Rajeswaran for R4 and R5

O R D E R

The order dated 10.06.2014 in respect of the claim of the writ petitioner for seniority in the cadre of Foremen Grade-II over and above the seniority of the respondents 4 and 5 is under challenge in this writ petition.

2. The learned counsel for the petitioner made a submission that the writ petitioner was appointed as Helper in the office of the third respondent on 18.03.1998, subsequently, the petitioner was promoted as Fitter Grade II on 30.12.2000 and thereafter promoted as Fitter Grade - I on 13.08.2003. As per the seniority of the writ petitioner he was promoted as Foremen Grade II since 10.11.2006.

3. The Grievances of the writ petitioner is that the respondents 4 and 5 who were Juniors to him were promoted to the post of Foreman Grade-I. Thus, the writ petitioner has been deprived of his promotion in accordance with his seniority.

4. In this regard the learned counsel appearing on behalf of the writ petitioner states that the promotion was granted in violation of the rule of seniority, pursuant to certain political recommendations. To substantiate the said contention the recommendations forwarded by the political party has been enclosed in page No.18 of the typed set of papers filed along with the present writ petition. At the outset, it is contended that the promotions are not made in accordance with the rule of seniority and the respondent 4 and 5 were promoted over and above the writ petitioner on certain political reasons.

5. The Superintendent Engineer, General Construction Circle - I, Chennai - 32 is present before this Court along with the files and assisted the counsel appearing on behalf of the respondents 1 to 3.

6. The learned counsel appearing on behalf of the

respondents 1 to 3 strongly opposed the contentions by stating that the respondent 4 and 5 were inducted in the services in the year 1996 and the writ petitioner was inducted in the year 1998. Thus, even at the initial appointment the respondents 4 and 5 were seniors to the writ petitioner. It is further contended that on account of allegations of submission of fraudulent certificates, the respondents 4 and 5 were terminated from service, subsequently on appeal the certificates produced by the respondents 4 and 5 were found genuine and accordingly, they were reinstated into service. On reinstatement the seniority of respondents 4 and 5 were restored in respect of the seniority list enclosed in the writ petition dated 19.06.2014.

7. The learned counsel for the respondents 1 to 3 further made a submission that the said seniority was revised by the Superintendent Engineer, General Construction Circle - I, Chennai, in proceeding dated 25.06.2014. As per the final seniority list issued by the Superintendent Engineer, General Construction Circle - I, Chennai the names of the respondents 4 and 5 are placed in serial Nos. 13 and 14 and the name of the petitioner is placed in serial No.24. The date of appointment of the respondents 4 and 5 are 22.02.1996 and the date of appointment of the writ petitioner was 18.03.1998. Thus, the writ petitioner is junior to the respondents 4 and 5 in the entry cadre and therefore the very allegation set out in the writ petition is incorrect.

8. The respondents 4 and 5 who were terminated from service on account of certain allegations of submission of false certificates were subsequently reinstated by the Department. Undoubtedly, on such reinstatement, they are entitled for restoration of seniority. The respondents 4 and 5 were not punished by the respondents on account of the fact that they could not able to establish the certificates are genuine. Thus the seniority restored in favour of the respondents 4 and 5 cannot be found fault with, in view of the fact that the respondents 4 and 5 were appointed earlier to the writ petitioner. The writ petitioner is certainly junior to the respondents 4 and 5 and the decision taken by the respondents 1 to 3 in this regard is in accordance with law and there is no infirmity.

9. Thus, the writ petition is devoid of merits and hence, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.dsa

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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Chennai - 600 058.

+1cc to Mr.P.R.Dhilipkumar, Advocate S.R.No.67788

+1cc to Mr.V.Bhiman, Advocate S.R.No.68318

KR/30/10/18

सत्यमेव जयते

W.P.No.16025 of 2014

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