

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24142 of 2007

A.Alagiri

... Petitioner

Vs.

The Additional Chief Engineer/Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam- 1,
Salem District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent in Ku.Aa.No.257/Ku.Tha.Po./Me.Mi.Pa.Va./Me./Ni.Pi.2/Vu.1/Ko.Muthanmai/07 dated 27.03.2007 and to quash the same and direct the respondent to include the name of the petitioner in the panel for promotion to the post of Foreman Grade-I in the panel prepared by the respondent in Memo No.ACE/ADM.2/A1/F.FM I gr/D.786/2006 dated 29.12.2006 by applying the Board proceedings in (Per) B.P. (Ch) No.212 dated 06.08.1991.

For Petitioner : Mr.V.Elangovan,

For Respondent : Mr.P.R.Dhilip Kumar for TNEB

O R D E R

This writ petition has been filed by the petitioner challenging the impugned order dated 27.03.2007 passed by the respondent, whereby the claim of the petitioner for promotion to the post of Foreman Grade-I was rejected by the respondent.

2.The case of the petitioner is that the petitioner initially appointed as a helper in the Electricity Board. The educational qualification for the post of Helper, as prescribed by the Board's proceedings vide B.P.No.94 (Adm. Br), dated 03.10.1985, was IVth standard pass. Thereafter, on 03.10.1985, the petitioner was promoted as Wireman with the same educational qualification. The Board has issued orders on 06.08.1991 vide proceedings in B.P.(Ch).No.212, dated 06.08.1991, to the effect that when an exemption was granted to a person at the entry post and the promotion post, that exemption would continue to the

promotion for next post also. Accordingly, on 01.02.2002, the petitioner was promoted as Line Inspector by relaxing the educational qualification as prescribed under the proceedings in B.P.No.94 (Adm. Br), dated 03.10.1985. The actual required qualification for the post of Line Inspector was only VIIth standard. Though the petitioner was possessing only VIth standard qualification, by relaxing the qualification, the petitioner was given promotion to the post of Line Inspector. Thereafter, on 29.12.2006 the respondent issued a panel for promotion to the post of Foreman Grade-I, but, the petitioner's name was not included in the said panel. On 05.01.2005, the petitioner made a representation to the respondent requesting to including his name in the name panel. Since his representation was not considered, the petitioner had earlier filed a writ petition in W.P.No.3320 of 2007 and this Court by order dated 01.02.2007 directed the respondent to consider and pass orders on the representation of the petitioner. Pursuant to the same, the respondent has passed the impugned order dated 27.03.2007 rejecting the claim of the petitioner. Challenging the same, the present writ petition has been filed by the petitioner.

3.Heard both sides and perused the materials available on record.

4.On perusal of the impugned order passed by the respondent, it is seen that the respondent has clearly stated that since one K.Muthusamy and one P.Monogar are senior to the petitioner, they were included in the panel and the name of the petitioner was not included in the panel. Accordingly, they were granted promotion as Foremen and since the petitioner is Junior to the above said persons his promotion was not considered .

5. However, Mr.V.Elangovan, the learned counsel for the petitioner would fairly submit that subsequently, the petitioner was promoted to the post of Foreman Grade-I on 22.12.2008 and thereafter, he also retired from service on attaining the age of superannuation.

6.In view of the above submission, this Court does not find any merits in this writ petition and the same is liable to be dismissed.

Accordingly this writ petition is dismissed. No costs.

gmd

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Additional Chief Engineer/Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam- 1,
Salem District.

+lcc to Mr.P.R.Dhilipkumar, Advocate SR.NO.52018
+lcc to Mr.S.Doraisamy, Advocate SR.NO.51040

KJI (CO)
sm:31.8.2018

W.P.No.24142 of 2007



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