

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24175 of 2007

M.Jayaraman

... 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 Memo. No.258/ACE/MEDC/Adm.11/A1/F.CI/2007 dated 27.03.2007 and direct the respondent to rearrange the present seniority list made in Memo No.ACE/ADM.2/A1/F.FMI gr/D. 786/2006 dated 29.12.2006 on the file of the respondent and to prepare a proper seniority list including the name of the petitioner according to the date of appointment of the entry post.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.P.R.Dhilip Kumar

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 and wherein the claim of the petitioner for promotion to the post of Foreman Grade-I was rejected by the respondent.

2.It is the case of the petitioner that his educational qualification is SSLC failed and he is an ITI certificate holder. He join the respondent-Electricity Board as a helper on 20.07.1987, whereas one M.Thangavel, who was having similar qualification, was appointed as a helper on 22.07.1987 i.e., two days after the joining of the petitioner. However, the said Thangavel was promoted as Commercial Assistant during the year 1990, whereas the petitioner was promoted to the post of Commercial Assistant only on 31.12.1993. Since the petitioner's junior was promoted ahead, the petitioner made a representation to the respondent. But, the said representation was not

considered by the respondent. Thereafter, again that the said Tangavel was promoted to the post of Commercial Inspector on 29.12.1999, whereas the petitioner was given promotion to the said post of Commercial Inspector much later on 31.12.2004. The next avenue of promotion for the petitioner is Foreman Grade-I. While so, on 29.12.1999 the respondent prepared a panel for promotion. But, the petitioner's name was not included in the said panel. The petitioner's juniors were included in the said panel. Hence, the petitioner made another representation on 02.01.2007 to the respondent. Since the said representation was not considered by the respondent, the petitioner has filed a writ petition in W.P.No.3074 of 2007 before this Court and this Court by order dated 27.03.2007 directed the respondent to consider and pass orders on the said representation of the petitioner. Pursuant to the same, the respondent has passed the impugned order 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 seniority was determined based on the list of approved candidates drawn up by the Board and his direct recruitment and the petitioner ought to have represented for revision of seniority within three years from the date of orders of appointment to such service, but, his representation was a belated one.

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 06.09.2010 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.

Sd/-

Assistant Registrar(Audit)

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Sub Assistant Registrar

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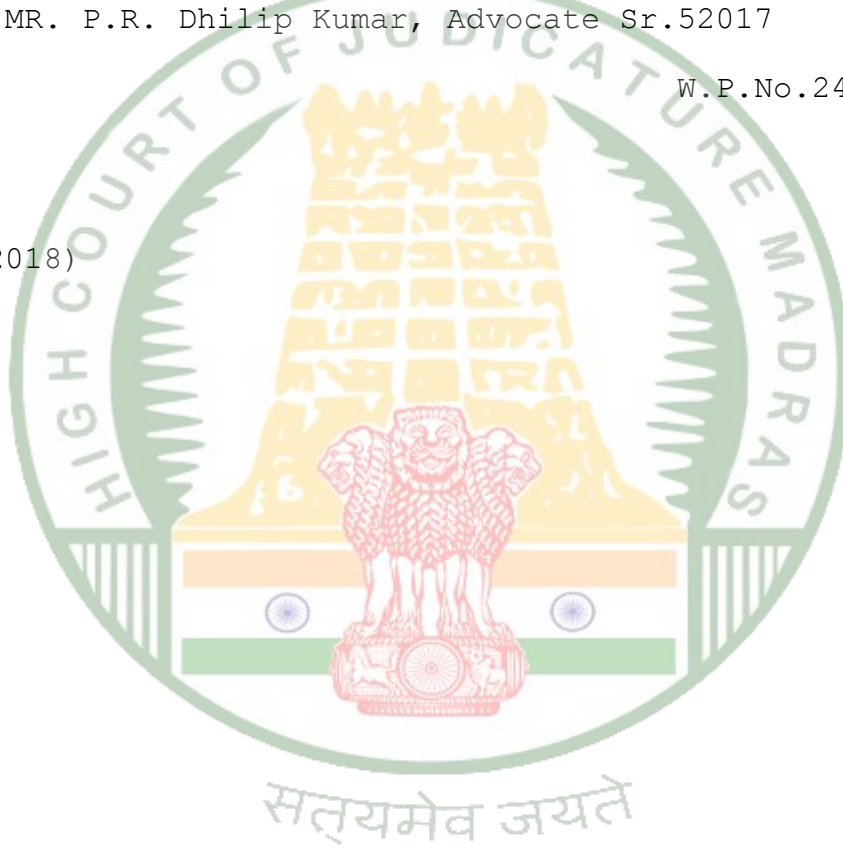
The Additional Chief Engineer/Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Mettur Dam- 1, Salem District.

+ 1 cc to Mr.S. Doraisamy, Advocate Sr.51039

+ 1 cc to MR. P.R. Dhillip Kumar, Advocate Sr.52017

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EU(05/09/2018)



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