

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.18523 of 2012 and MP.No.1 of 2012

C.Chelladurai

... Petitioner

Versus

1.The Chief Engineer/Personnel,
Tamil Nadu Electricity Board,
TANGEDCO,
VII Floor, NPKKR Maligai,
144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
MTPS Stage-III, Mettur Dam,
Mettur, Salem District.

... Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 and 2 to give postings to the petitioner as Assistant Engineer under the services of TANGEDCO as per the orders of appointment made in the letter of the 1st respondent in Lr.No.11494/24/G.55/G551/2011 dated 06.07.2012 taking into effect the date of joining as 11.07.2012, the date when the petitioner reported before the 2nd respondent to join duty.

For Petitioner : Mrs.Kavvaya silambanan
for M/s.Profexs Associates

For Respondents : Mr.E.Manoharan, AGP assisted by
Mr.P.R.Dhilipkumar for R1 and R2

ORDER

The orders of appointment made in Letter of the 1st respondent dated 06.07.2012, is sought to be implemented by permitting the writ petitioner to join duty in the post of Assistant Engineer.

2. The learned counsel appearing for the writ petitioner made a submission that he participated in the process of selection for recruitment to the post of Assistant Engineer. The writ petitioner received an intimation from the Tamil Nadu Electricity Board, calling for an interview for the post of Assistant Engineer. The petitioner attended the interview and thereafter not received any information. However, the petitioner states that an order of appointment was issued in favour of the writ petitioner in proceedings dated 06.07.2012. The said order of appointment is enclosed in Page.No.2 of the typed set of papers filed along with this writ petition.

3. On a perusal of the order of appointment, the same was sent by Engineer S.Shyed Liyakath, Chief Engineer / Personnel, it is addressed to C.Chelldurai, Application No.3837. This Court, at the first instance, directed the learned Additional Government Pleader to findout, even after the issuance of the appointment order, why the writ petitioner had not been permitted to join duty.

4. The learned Additional Government Pleader representing the standing counsel appearing for the Board has stated that the application No.3837 is not of the writ petitioner and the said application number belongs to one Sri.G.Veena, who was selected. However in the order of appointment, the name was erroneously stated as C.Chelldurai (name of the writ petitioner).

5. At the outset, the learned counsel brought to the notice of this Court that it is an error committed by an employee who had written the name of the selected candidates in the order of appointment and the same will not confer any right on the writ petitioner to secure appointment. This apart, the selection list was published in the official website on TNEB on 06.07.2012. Even in the selection list, the name of the writ petitioner is not found. Contrarily, the name of Sri.G.Veena was available. Thus, it is the error committed and the mere error committed by the Ministerial staff of the respondent/Board cannot confer any right on the writ petitioner to secure appointment.

6. It is further brought to the notice of this Court that the writ petitioner has not even participated in the interview and the records made available before this Court shows that the writ petitioner was absent on the date of interview. In that record, an application of the writ petitioner has been stated as No.3897. Therefore, it is clear that the application number of the writ petitioner is 3897 and the appointment order was issued to the application no.3837, which belongs to one Sri.G.Veena. The said position was clarified in paragraph no.17 of the counter affidavit filed by the respondents and the same is extracted hereunder:

"17. I respectfully submit that the selection list of 450 Assistant Engineer/Electrical by Direct Recruitment has been published in TNEB Website on 06.07.2012. One of the candidate G.Veena (Appn.No.3837) has selected (SI.No.16 in the above Selection list) in ECE Branch. At the time of issuing the allotment order, in respect of application No.3837 of one G.Veena the order had been erroneously sent to the petitioner. It is submitted that the application no. of G.Veena, 3837 was correctly printed but the name and address was wrongly sent to the petitioner. The mistake arose because of the petitioner's application.No.3897. TANGEDCO then sent the cancellation order vide this office letter No.11494/24/G55/G551/2001 dated 06.07.2012 to the petitioner Thiru.C.Chelladurai on 11.07.2012 since the order of the selected candidate G.Veena (Application No.3837) in ECE was erroneously sent to the petitioner's name and address."

7. The learned counsel for the petitioner made a submission that the writ petitioner had resigned his job of Lecturer in Polytechnic and thereafter approached the respondents with a fond hope that he will be permitted to join duty. Therefore he lost his erstwhile job also. However, it is for the writ petitioner to workout his remedy in the manner known to law and in respect of the present writ petition seeking a direction to permit the writ petitioner to join duty in the post of Assistant Engineer, cannot be considered in view of the fact that the writ petitioner had not participated in the interview and the order of appointment was issued erroneously. Further an application number in the order of appointment is stated as 3837, which do not belong to the writ petitioner and the said application number belongs to one Sri.G.Veena and therefore, the factual inference has to be drawn that the writ petitioner had a knowledge about this factor.

8. This apart, the writ petitioner do not belong to the branch in which the said Sri.G.Veena was selected. The writ petitioner belongs to EEE (Electrical and Electronic Engineering) branch and the said Sri.G.Veena belongs to ECE (Electronic Communication Engineering). Thus, there is no comparison and both the categories are different and knowing these factors, the writ petitioner has made an attempt to take undue advantage of the mistake committed by the staff of the Electricity Board.

9. At the outset, the learned counsel for respondents contends that such a mistake will not confer any legal right on the writ petitioner to claim appointment to the post of Assistant Engineer and the writ petitioner was aware of all these facts and he has filed this writ petition in order to take

advantage of the order issued in his name.

10. In this view of the matter, this Court is not inclined to consider the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

sk

To

1.The Chief Engineer/Personnel,
Tamil Nadu Electricity Board,
TANGEDCO,VII Floor, NPKKR Maligai,
144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
MTPS Stage-III, Mettur Dam,
Mettur, Salem District.

+1cc to Mr.R.Varalakshmi, Advocate SR.No.4394

+1cc to Mr.Kaavya Silambanan Associates, Advocate SR.No.4802

W.P.No.18523 of 2012
and MP.No.1 of 2012

LRS (CO)
GN(19/02/2018)

सत्यमेव जयते

WEB COPY