

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.47099 & 47100 of 2006
& 4708 & 5402 of 2007
& Connected M.Ps.

W.P.No.47099 of 2006:

- 1 R. MURUGU BALASUNDARAM (36)
NO.295 VIJAYALAKSHMI NAGAR CHENNAVARAM
VANDAVASI 604 408
 - 2 R. DAMODHARAN (36)
NO.712 SRI SAKTHI NAGAR KILSATHAMANGALAM
VANDAVASI 604 408
 - 3 V. GANDHI (37)
NO.80/30A APPAVAU MUDALI ST. GAJALAKSHMI
NAGAR VANDAVASI 604 408
 - 4 R. SIVAKUMAR (39)
NO.1/74 ORTH MADA ST. NEDUNKUNAM VILLAGE &
POST VANDAVASI TK
 - 5 S. KUMAR (36)
NO.12/123 IRRATTAIVADAI CHETTY ST.
VANDAVASI 604 408
 - 6 S. KUPPAN (36)
NO.6/77 BANKARU AMMAN NAGAR NEAR COLLECTOR
OFFICE KANCHIPURAM 631 501
- ... Petitioners
- Vs

- 1 TAMILNADU ELECTRICITY
BOARD REP. BY ITS SECRETARY ANNA SALAI
CHENNAI 2
- 2 CHIEF ENGINEER (PERSONNEL)
TAMILNADU ELECTRICITY BOARD ANNA SALAI
CHENNAI 2
- 3 RAJASEKAR
- 4 M.CHANDRASEKARAN

5 G.PICHANDI
6 V.R.VIJAYAKUMAR
7 G.JOHAN JOSEPH
8 R.VELU
9 M.ELANGOVAN
10 R.MUNUSWAMY
(R3 TO R10 IMPEADED AS PER ORDER DT.
21/04/2007 BY VDPJ IN M.P.NOs. 1 AND 1 OF
2007) ... RESPONDENTS

W.P.No.47100 of 2006:

1 T.M.VASUDEVAN (42)
NO.123 BANKARU AMNAN NAGAR INFANT SCHOOL ST.
NEAR COLLECTOR OFFICE KANCHIPURAM 631 501
2 K. SUNDARAMOORTHY (42)
NO.2/240A UMAPATHY NAGAR ARIYUR VELLORE
632 055
3 K.MOHAN (48)
715 IST CROSS STREET SRI SAKTHI NAGAR
KILSATHAMANGALAM VANDAVASI TALUK 604 408
4 A. PONNURANGAM (38)
NO.73 SANATHI ST. VANDAVASI 604 408
..... [PETITIONERS]
Vs

1 TAMILNADU ELECTRICITY
BOARD REP. BY ITS SECRETARY
ANNA SALAI ,CHENNAI 2
2 CHIEF ENGINEER (PERSONNEL)
TAMILNADU ELECTRICITY BOARD ANNA SALAI
CHENNAI 2

3 RAJASEKAR
4 M.CHANDRASEKARAN
5 G.PICHANDI
6 V.R.VIJAYAKUMAR
7 G.JOHAN JOSEPH
8 R.VELU
9 M.ELANGOVAN
10 R.MUNUSAMY

(R3 TO R10 IMPEADED AS PER ORDER DT.
21/04/2007 BY VDPJ IN M.P.NOS.1 AND 1 /07)

... Respondents

W.P.No.4708 of 2007 :

1. M.SELVIN

... Petitioner

Vs

1 THE CHIEF ENGINEER (PERSONNEL)
TAMILNADU ELECTRICITY BOARD 800 ANNA SALAI
CHENNAI 2.

2 THE SUPERINTENDING ENGINEER
THANJAVUR ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU ELECTRICITY BOARD THANJAVUR.

3 THE EXECUTIVE ENGINEER
(OPERATION AND MAINTENANCE NORTH) TAMILNADU
ELECTRICITY BOARD KUMBAKONAM.

4 M.CHINNAYAN S/O. MANICKAM
NEW ST. KEEZAHALUR ORATHANADU TALUK
THANJAVUR. (R4 IMPEADED AS PER ORDER DT.
18/08/07 BY FMKJ IN M.P.3/07 IN WP.NO.
4708/07)

... RESPONDENTS

W.P.No.5402 of 2007 :

1. R. SIVAKATATCHAM

... PETITIONER

Vs

1 THE CHAIRMAN
CHENNAI.

2 THE CHIEF ENGINEER (PERSONNEL)
TAMIL NADU ELECTRICITY BOARD 800 ANNA
SALAI CHENNAI

3 K.RAGHAVAN
COMMERCIAL INSPE.
AEE (O & M) TNEB MEDICAL COLLEGE ROAD
THANJAVUR

4 T.SEKARAN
(R3 & 4 IMPEADED ORDER DT.26/10/07
BY MCJ IN M.P.3 & 4/07 IN WP.NO. 5402/07)

...Respondents

Prayer in W.P.No.47099 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records proceedings culminating in Memo No.051371/02/G44/G441/2002 dated 16.11.2006 issued by the respondents and quash the same.

Prayer in W.P.No.47100 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records culminating in Memo No.051371/02/G44/G441/2002 dated 16.11.2006 issued by the respondents and quash the same.

Prayer in W.P.No.4708 of 2007: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records of the order passed by the 1st respondent issued in Memo No.055045/03/G.44/G.441/2002 dt 16.11.2006 and consequential proceedings issued by the 2nd respondent issued in Ku.Aa.No.031510/Ni.Pi.3/E.Ni.Vu 1/Ko.Mu.Pa/2006 dt 5.1.2007 in so far as the petitioner is concerned and quash the same and to direct the respondents to restore the seniority of the petitioner as fixed in the proceedings of the 2nd respondent dt. 4.1.2006 with all other consequential benefits including promotion to the post of Foreman Grade I.

Prayer in W.P.No.5402 of 2007: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the proceedings of the 2nd respondent in Memo No. 055045/03/G.44/G.441/2002 dated 16.11.2006 and to quash the same.

For Petitioner in
W.P.Nos.47099 &
47100/06 : Mr.S.Namasivayam

For Petitioner in
W.P.No.4708/07 : Mr.R.N.Amarnath
For Petitioner in
W.P.No.5402/07 : No Appearance

For Respondents 1 & 2
in all the W.Ps. : Mr.P.R.Dhilipkumar, TNEB

For Respondents 3 to 10
in W.P.Nos.47099 &
47100/06 : Ms.Anna Mathew

For Respondent -3
in W.P.Nos.4708 &
5402/07 : Mr. S.Baskaran

For Respondent-4
in W.P. Nos.4708 &
5402/07 : Mr.G.Anandakumar

COMMON ORDER

Since the issues involved in these writ petitions are one and the same all the writ petitions were taken up together and common order is being passed in these writ petitions.

2. All these writ petitions were filed challenging the order of the second respondent dated 16.11.2006 wherein and whereby, the inter se seniority was absorbed to the persons from the Rural Electrical Co-operative Society by taking into account the vesting date and not from the date of joining in service. It is pertinent to note here that the very same issue had already been decided by this Court in a batch of writ petitions and this Court by referring to paragraph 7 of the B.P.(FB) No.31, has held as follows:

"2. There is no dispute regarding the factual aspect enumerated above. The petitioners have been absorbed as permanent employees of the Tamil Nadu Electricity Board and on such absorption, their inter-se seniority ought to have been fixed as stated in paragraph 7 of the said B.P.(FB) No.31. There is a direction by the Board as to how the inter-se seniority should be fixed. Paragraph 7 of the said B.P.(FB) No.31 reads as follows:

"7. The inter-se-seniority of the employees of the Vandavasi Rural Electric Co-operative Society will be fixed separately by taking into account the date of their joining in the post they were holding on the vesting date. Thereafter, they will be eligible for notional promotion from the date on which their Junior in the Board was promoted and this will be subject to the condition that they are qualified to hold that promoted post as per provisions of Tamil Nadu Electricity Board Service Regulations. If their Junior was promoted prior to vesting date, the seniority of such Society employees will be fixed on the vesting date (viz.) 6.4.2002 at the top of the existing Board employees of that corresponding absorbed post. The pay of promotees will be fixed under Tamil Nadu Electricity Board Service Regulations without any entitlement

for arrears of pay and monetary benefit will be given only from the date of actual joining in the promoted post."

3. In my considered opinion, having regard to the clear direction issued in paragraph 7 of the Board Proceedings, the third respondent is bound to fix inter-se seniority after affording sufficient opportunity to the petitioners as well as other employees who are also interested in the matter.

4. In view of the above, the writ petitions are allowed with a direction to the respondents to take steps forthwith and finalise the inter-se seniority of the petitioners by strictly following B.P.(FB) No.31 dated 20.09.2005 and other related regulations. In any event, the said exercise shall be completed within a period of six months from the date of receipt of a copy of this order. It is further directed that before finalising the issue, the respondents shall afford sufficient opportunity to the petitioners and other interested employees. No costs."

3. Learned counsel appearing for the respondents would submit that subsequent to the direction of this court, the seniority of the petitioners had been fixed and their services were regularised.

4. In view of the fact that the issue involved in these writ petitions are covered by the aforesaid batch of writ petitions, I am inclined to extend the same benefits to the petitioners in these writ petitions also. Hence, these writ petitions are allowed. Petitioners are also entitled for the benefits as ordered in the above batch of writ petitions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To,

- 1 THE SECRETARY
TAMILNADU ELECTRICITY
BOARD, ANNA SALAI
CHENNAI 2
- 2 CHIEF ENGINEER (PERSONNEL)
TAMILNADU ELECTRICITY BOARD ANNA SALAI
CHENNAI 2
- 3 THE SUPERINTENDING ENGINEER
THANJAVUR ELECTRICITY DISTRIBUTION CIRCLE
TAMILNADU ELECTRICITY BOARD THANJAVUR.
- 4 THE EXECUTIVE ENGINEER
(OPERATION AND MAINTENACE NORTH) TAMILNADU
ELECTRICITY BOARD KUMBAKONAM.

+1cc to Mr.S.Baskaran, Advocate Sr.No.43041

+2cc to Mr.P.R.Dhilipkumar, Advocate Sr.No.42673 & 42672

+1cc to Mr.S.Namasivayam, Advocate SR.No.42523

GP(CO)

sm:24.7.2018

W.P.Nos.47099 & 47100 of 2006
& 4708 & 5402 of 2007

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