

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17640 of 2006

A.Ganesan

... Petitioner

Vs.

The Additional Chief Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Salem - 636 014.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating to Memo No.035231/Ni.Pi.1//U4/PR 706/05 dated 04.01.2006, quash the same and issue consequential directions to the Respondents to grant advancement to selection Grade to the petitioner in the post of Assistant with effect from 17.4.2005 F.N. and disburse with 12% interest on the delayed payment along with consequential monetary benefits within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.P.R.Dhilip Kumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the respondent relating to Memo No.035231/Ni.Pi.1//U4/PR 706/05 dated 04.01.2006, to quash the same and to issue consequential directions to the respondent to grant advancement to selection Grade to the petitioner in the post of Assistant with effect from 17.04.2005 f.n. and to disburse with 12% interest on the delayed payment along with consequential monetary benefits.

2.The case of the petitioner is that the petitioner was initially appointed as Typist in the Tamil Nadu Electricity Board and joined duty on 01.04.1992 and was promoted as Assistant on 17.04.1996. Thereafter, vide order dated 06.06.2003, he was transferred to the Salem Electricity Distribution Circle and he joined there on 03.07.2003. The petitioner became eligible for advancement to Selection Grade in the said post with effect from 17.04.2005. In this regard, the petitioner also made representation to the respondent, however,

vide order dated 04.01.2006, his representation was rejected by the respondent. Hence, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner has completed nine years of service in the category of Assistant and hence, he is entitled for selection grade.

4.The said fact is disputed in the counter filed by the respondent, wherein, in paragraph nos.7 and 8, it is clearly stated that the petitioner claims to have been completed nine years of service in the category of Assistant, however, he has not taken into account that his transfer from Board Office, Secretariat Branch to any other distribution circle affected his seniority and he had infact descended in his ranks to stand junior most in his category. There are several seniors, seniority wise awaiting the selection grade status well in advance of this petitioner. In order to relieve stagnation of promotion among the employees of the Board, the scheme of movement to Selection Grade has been introduced in Tamil Nadu Electricity Board with effect from 01.01.1979 vide B.P.Ms.No.288 (SB) dated 03.12.1979. As per the said Board Proceedings, a person holding a post shall be allowed to move to selection grade on completion of ten years of satisfactory service in the ordinary grade.

5.The learned Standing Counsel appearing for the respondent would submit that in view of the Board Proceedings dated 03.12.1979, a person holding a post shall be allowed to move to selection grade on completion of ten years of satisfactory service and hence the petitioner is not entitled to any selection grade.

6.It is now represented by the learned counsel appearing for the petitioner that the petitioner has died during the pendency of the writ petition. सत्यमेव जयते

7.In view of the above, this writ petition is dismissed. However, the legal heirs of the petitioner are entitled to claim the retirement benefits due to the petitioner from the Board, if not already settled. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

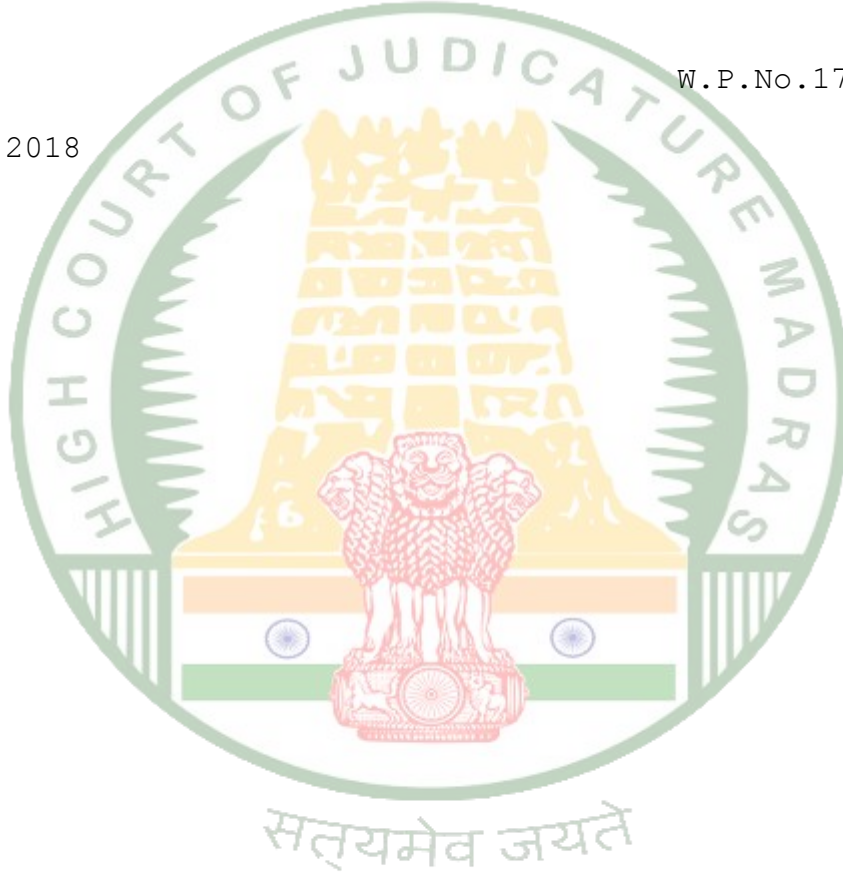
To

The Additional Chief Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Salem - 636 014.

+lcc to Mr.M.Ravi, Advocate, S.R.No.46658

GMR(CO)
SMI/06.08.2018

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