

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.28464 of 2018

A.Sundararajan

....Petitioner

Vs

1. The Chairman-cum-Managing Director,
Tamil Nadu Electricity Generation and Distribution,
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai-2
2. The Chief Engineer(Personnel),
Tamil Nadu Electricity Generation and Distribution,
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai-2 ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to fill up the post of Assistant Engineer(Electrical) through Internal Selection in the ratio of 1:1 by increasing the number of posts in the Recruitment Notification No.058434 / 1061/G55/ G551/2017-1 dated 12.07.2017 by considering the representation of the petitioner dated 27.09.2018.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel
for M/s.K.Sasindran

For Respondents : Mr.P.R.Dhilip Kumar,
Standing Counsel

ORDER

The petitioner is presently working as Assessor Grade-II in the respondent Corporation since 13.09.2010 and is having a bachelor's degree in Electrical Engineering. He has come to file this writ petition challenging the notification issued for appointment for the post of Assistant Engineer (Electrical) by

way of internal selection. According to the petitioner, the 50% of the vacancy is required to be filled up in the internal selection from among the feeder category employees, however the respondents in spite of availability of the vacancy, without calculating the vacancy properly conducting the selection process, which is not in accordance with law inasmuch as the rule position is that 50% of the vacancy shall go to the feeder category employees through internal selection and the rest 50% for direct recruitment. The petitioner's case is that therefore the same shall hinder the scope of the present petitioner of being selected as Assistant Engineer as a departmental candidate as internal selection process has not been shown properly. However, the petitioner made a representation in this regard, which is pending with the second respondent and as such the same having evoked no response, he came to file this writ petition seeking a direction to the respondents to modify the vacancy for internal selection considering the representations made by the petitioner and make selection through Internal Recruitment Committee, pursuant to the notification made.

2. The learned counsel for the petitioner, submits that the vacancy having not been properly calculated as such he having made representation, this Court may dispose of this writ petition directing the respondent to dispose of such representation.

3. However, the learned counsel for the respondents, submits that no material has been produced indicating the fact that the petitioner made such representation. However, if such representation made, the same shall be considered and disposed of in its own merit within a reasonable period. This Court however if think it proper to issue any direction with regard to disposal of such representation, no fetter be put on the part of the respondents to dispose of the representation in any particular manner.

4. After hearing the learned counsel for the parties and going through the materials on record, especially the nature of relief sought for, this Court dispose of this writ petition without seeking reply affidavit from the respondents with a direction to take an informed and considered decision on the representation of the petitioner, within a period of eight weeks from the date of receipt of a copy of this Order, but there is no fetter on the part of the respondents to dispose of such representation in any particular manner except the time limit prescribed. However, it is made clear that for the disposal of such representation, if any legal impediment is there, the respondents more particularly, the second respondent is not bound to dispose of the representation, however must be made in the manner known to law and the decision thereof be intimated to

the petitioner.

5. With the aforesaid order, the writ petition stands disposed of. However, in the circumstances there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

lok

To

1. The Chairman-cum-Managing Director,
Tamil Nadu Electricity Generation and Distribution,
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai-2
2. The Chief Engineer(Personnel),
Tamil Nadu Electricity Generation and Distribution,
Corporation Limited (TANGEDCO),
No.144, Anna Salai, Chennai-2

+1cc to Mr.K.Sasindran, Advocate SR.No.74994

W.P.No.28464 of 2018

AK (CO)

GMV (27/11/2018)

सत्यमेव जयते

WEB COPY