



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.19362 of 2014

and

MP (MD) No.1 of 2014

T.Ponraj

... Petitioner

Vs.

The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Nagercoil, Kanyakumari District.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the respondent in Ku.No.020086/Ni.Pil/B.1/2014-1, dated 16.07.2014 and quash the same and consequently direct the respondents to promote the petitioner to the post of Foreman 1st Grade, retrospectively with all attendant and monetary benefits on par with his junior.

For Petitioner	: Mr.M.Saravanakumar
For Respondent	: Mr.A.U.Ramanathan

O R D E R

The writ petitioner is an employee of Tamil Nadu Generation & Distribution Corporation Limited. He joined service on 10.02.1995. At the time of filing this writ petition, the petitioner was working as a Line Inspector. His next promotional post is that of Foreman Grade I.

2.The grievance of the writ petitioner is that his seniority was not properly assigned in the combined seniority list of Commercial Inspectors and Line Inspectors. Only from the said combined seniority list, the promotion to the post of Grade I Foreman is made. The writ petitioner lodged his objections. The same was rejected by the impugned order dated 16.07.2014 on the ground that the objections were lodged belatedly.

3.It is true that as per the relevant service regulations, objections must be lodged within a period of three years. In the



present case, the combined seniority list was issued on 09.05.2012. The writ petitioner lodged his objections on 15.05.2014. Thus, the objections have been lodged before the expiry of three years. The objections lodged by the writ petitioner were obviously within time. The respondent was not right in rejecting the case of the writ petitioner on the ground of limitation. The case of the writ petitioner deserves to be considered on merits. If any junior had stolen march over the writ petitioner, then it is the duty of the respondent to set right the discrepancy and assign the writ petitioner his correct seniority position and rank.

4.The impugned order dated 16.07.2014 passed by the respondent is therefore set aside. The matter is remitted to the file of the respondent. The respondent shall examine the records and find out if the writ petitioner has been assigned his correct seniority position and rank. If any discrepancy is found out, the respondent shall correct the same. The respondent shall carry out this exercise within a period of eight weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.A.U.Ramanathan, Advocate Sr.No.40349

+1cc to Mr.M.Saravanakumar, Advocate Sr.No.40069

SKM

VB/SV/MMS/SAR2/30.01.2018/2P/3C

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