



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2018

CORAM:

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16384 of 2018

and

W.M.P.(MD) No.14548 of 2018

M.Ramachandran
Commercial Inspector,
O/o the Junior Engineer,
TANGEDCO,
Keelavadakarai Section,
Periyakulam Taluk,
Theni District.

...Petitioner

Vs.

- 1) The Tamil Nadu Generation and
Distribution Corporation (TANGEDCO)
Rep.by its Chairman,
800, Annasalai , Chennai-2.
- 2) The Chief Engineer(Personnel),
The Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
800, Annasalai,
Chennai-2.
- 3) The Chief Engineer,
Distribution, Madurai Region,
Madurai-7.
- 4) The Superintending Engineer,
O/o.the Superintending Engineer,
Theni Electricity Distribution Circle,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to promote the petitioner as Foreman by including his name in the panel issued by the 4th respondent in his proceedings

கு.ஆ.எண் .966/மேபொ/தேனி/நிஅ/நிப2/நிஉ1/கோ.தே.ப/18-1 dated 21.05.2018 having regard to the fact that the punishment inflicted on the petitioner is over on 06.04.2018 itself and by considering the petitioner's representation dated 04.06.2018 within the period that may be stipulated by this Court.



For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates
For Respondents : Mr.Dhayalan,
Standing Counsel for TANGEDCO

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O R D E R

The prayer sought for in the Writ Petition is for a Writ of Mandamus directing the 4th respondent to promote the petitioner as Foreman by including his name in the panel issued by the 4th respondent in his proceedings கு.ஆ.எண்.966/மேபொ/தேனி/நிஅ/நிபி2/நிஉ1/கோ.தே.ப/18-1 dated 21.05.2018 having regard to the fact that, the punishment inflicted on the petitioner is over on 06.04.2018 itself and by considering the petitioner's representation dated 04.06.2018 within the period that may be stipulated by this Court.

2. Heard Mr.H.Mohamed Imran, learned counsel appearing for the petitioner and Mr.Dhayalan, learned standing counsel appearing for the respondent TANGEDCO.

3. The grievance of the petitioner, according to the learned counsel appearing for the petitioner, is that, the petitioner is working as Commercial Assistant and the next avenue of promotion for him is Foreman. For the purpose of giving promotion to the post of Foreman, a seniority list, as on 21.05.2018, was prepared by the respondents, whereas, the petitioner's name was not included, even though he was eligible to be included in the seniority list.

4. Learned counsel for the petitioner would further submit that the reason for non-inclusion of the petitioner's name in the panel is that, the petitioner has undergone the punishment of stoppage of increment, which he has completed by 06.04.2018 itself and therefore, on the date of preparation of the panel (i.e.,) on 21.05.2018, there was no currency of punishment and the name of the petitioner could have been very well included in the said panel. Nevertheless, the same has not been included. Therefore, in this regard, the petitioner has given a representation on 04.06.2018 to the respondent and if the said representation is directed to be considered on merits and in accordance with law and if an order is passed to that effect within a time frame, the petitioner would be satisfied.

5. I have heard Mr.Dhayalan, learned standing counsel appearing for the respondent TANGEDCO, who would submit that, the said representation of the petitioner would be considered on merits and in accordance with law and order to that effect would be passed within a time frame that may be fixed by this Court.

<https://hcservices.courts.gov.in/hcservices> 6. Considering the limited scope of the Writ Petition and by taking into account the factual situation of the case, this Court is inclined to pass the following order:



"that the respondents are directed to consider the petitioner's representation dated 04.06.2018 with regard to the grievance of the petitioner for the inclusion of petitioner's name in the panel of seniority list prepared for the post of Foreman as on 21.05.2018 and by taking into account that, his currency of punishment was over as early as on 06.04.2018 and therefore, pass suitable orders thereon on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order."

7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, W.M.P. (MD) No.14548 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

- 1) The Chairman,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO)
800, Annasalai , Chennai-2.
- 2) The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
800, Annasalai, Chennai-2.
- 3) The Chief Engineer,
Distribution, Madurai Region,
Madurai-7.
- 4) The Superintending Engineer,
O/o. the Superintending Engineer,
Theni Electricity Distribution Circle,
Theni District.

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Order made in
W.P. (MD) No.16384 of 2018
26.07.2018