

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11206 of 2004

O.A.Krishnan

... Petitioner

Vs.

1.The Tamil Nadu Electricity Board,
Rep. by its Secretary,
Secretariat Branch,
800, Anna Salai, Chennai 600 002.

2.The Superintending Engineer / P & A,
Mettur Thermal Power Station,
Mettur Dam - 636 406.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Memorandum (Per) No.83189/A1/A12/2003-2, dated 27.11.2003 of the 1st respondent as communicated by the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently direct the respondent Board to include the petitioner in the panel for promotion to the post of the Executive Engineer (Mechanical) and grant all attendant benefits thereto, including promotion with seniority.

For Petitioner : Mr.C.K.Chandrasekar
for M/s.Row & Reddy

For Respondents: Mr.P.R.Dhilipkumar,
Standing Counsel for TNEB

O R D E R

Being aggrieved against the non inclusion of the petitioner's name in the panel of officers suitable for promotion as Executive Engineer (Mechanical), on the ground that the petitioner was undergoing punishment on the crucial date, the present Writ Petition has been filed.

2. It is seen that on 19.03.2001, the petitioner was imposed with punishment of stoppage of increment for a period of one year with cumulative effect in respect of two sets of

charges and was also ordered that the punishment will come into effect immediately after completion of the punishment already awarded to the petitioner. The first punishment for stoppage of increment commenced on 01.07.2001 and ended on 30.06.2002, and consequently, the second punishment commenced on 01.07.2002 and ended on 30.06.2003. The crucial date for consideration of inclusion of the petitioner's name in the panel is 31.03.2002, at which point of time, the petitioner was undergoing punishment. As such, there is no infirmity in the impugned order for non inclusion of the petitioner's name in the panel. As per the Board Regulations, the petitioner's name could not be included in the panel, since he was undergoing punishment on the crucial date. Hence, I do not find any merit in the Writ Petition. Accordingly, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Secretary,
The Tamil Nadu Electricity Board,
Secretariat Branch,
800, Anna Salai, Chennai 600 002.
- 2.The Superintending Engineer / P & A,
Mettur Thermal Power Station,
Mettur Dam - 636 406.

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.21569

+1cc to M/s.Row & Reddy, Advocate, S.R.No.21722

सत्यमेव जयते

W.P.No.11206 of 2004

RV (CO)

RRS (29/04/2019)

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