

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 487 of 2019
and
C.M.P. No. 4303 of 2019

1. T. Parashuram
2. R.C. Hemesh
3. S. Karthik,
4. S. Aravindasamy
5. A. Arun Prasanth

... Appellants

-vs-

1. Tamil Nadu Electricity Board Engineers' Sangam,
Reg. No. 124/MDS,
Represented by its General Secretary
V.S. Sampath Kumar, Having office at
No. 144, Anna Salai,
Chennai - 600 002.
2. Mrs. N. Thilagavathy
3. Tamil Nadu Generation and Distribution Corporation Limited,
Represented by its Chairman,
No. 144, Anna Salai,
Chennai - 600 002.
4. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
No. 144, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letter Patent,
praying to set aside the order dated 21.12.2018 of the Learned

Judge made in W.M.P. No. 29334 of 2018 in W.P. No. 25224 of 2018.

WP.25224 of 2018 & WMP. 29334/2014 : Writ Petitions under Article 226 of the Constitution of India praying that in the these circumstances stated therein and in the affidavit filed therewith the High court will be pleased to issue a Writ of Certiorarified Mandamus

i) Calling for the records of the 2nd respondent in (Per) (CMD) TANGEDCO Proceeding No. 114 dated 22.6.2017 quash the same and direct the Official Respondents herein to promote the Junior Engineers Grade II to the Post of Junior Engineer Grade I by adhering to the ratio of 2:3 (Assistant Engineers (Electrical): Junior Engineer Grade I) in the Distribution Sections and the ration 2:2:1 (Assistant Engineers (Electrical) : Junior Engineer Grade I: Junior Engineer Grade II) in other areas of the Board and direct the official Respondents to not directly recruit any fresh Assistant Engineers (electrical) without first adhering to the said ratios (n WP.No. 25224/2018) and;

ii) To pass an order of ad-interim stay restraining the selection process held under the impugned Employment notification in (per) (CMD) TNAGEDCT proceeding No.114 dated 22.06.2017 for 300 post of Assistant Engineers (in WMP.No. 29334/2018) pending in WP.No. 25224/2018 respectively.

For Appellants : Mr. Naveen Kumar Murthi

For Respondents : Mr. Sundarnarayan (for R1)
Mr. P.R. Dhilipkumar (for R3 & R4)

J U D G M E N T

(Judgment of the Court was delivered by P.D. AUDIKESAVALU, J.)

The intra-Court Appeal arises out of the order dated 21.12.2018 passed by Learned Judge of this Court in W.M.P. No. 29334 of 2018 in W.P. No. 25224 of 2018. The Appellants, who were not a party to the Writ Petition were granted leave to file the Appeal by order dated 13.02.2019 in C.M.P. No. 3697 of 2019. In view of the limited nature of dispute, the Writ Appeal is taken up for final disposal by consent of parties at the time of admission itself.

2. We have heard Mr. Naveen Kumar Murthi, Learned Counsel appearing for the Appellants, Mr. Sundarnarayan, Learned Counsel appearing for the First Respondents, Mr. P.R. Dhilipkumar, Learned Counsel appearing on behalf of the Third and Fourth Respondents and perused the materials placed on record, apart

from the pleadings of the parties.

3. The First Respondent is the Tamil Nadu Electricity Board Engineers' Sangam and the Second Respondent is one of its members. The First and Second Respondents have filed W.P. No. 25224 of 2018 challenging the notification dated 22.06.2017 inviting applications by open advertisement and also getting list from the employment exchange for filling up 300 posts of Assistant Engineer (Electrical) and 25 posts of Assistant Engineer (Civil) in the Third Respondent, viz., the Tamil Nadu Generation and Distribution Corporation Limited (hereinafter referred to as 'TANGEDCO' for short) and to consequentially restrain the TANGEDCO from directly recruiting any Assistant Engineers (Electrical) without promoting the Junior Engineers Grade-II to the post of Junior Engineers Grade-I in the distribution section and the Assistant Engineers (Electrical), Junior Engineers Grade-I and Junior Engineers Grade-II in the other areas of the TANGEDCO in certain specified ratios. The First and Second Respondent in W.M.P. No. 29934 of 2018 had sought for ad-interim stay restraining the selection process held under the impugned notification dated 22.06.2017 for 300 posts of Assistant Engineers (Electrical), pending disposal of the Writ Petition. The interim order granted in that application was made absolute by the Learned Judge on 21.12.2018 and closed W.M.P. No. 29334 of 2018 with a direction to list the Writ Petition after six weeks.

4. It is submitted by the Learned Counsel appearing for the Appellants that the Appellants have also filed an application in W.M.P. No. 3473 of 2019 for impleading themselves in W.P. No. 25224 of 2018 as they would be prejudicially affected if the relief sought in the Writ Petition is granted. It is further submitted that the Appellants have been constrained to prefer this Appeal against the interim order as it virtually curtails their right for being appointed till the disposal of the Writ Petition, more so when the same has been passed without hearing them.

5. Having regard to the aforesaid submissions made, we are of the considered view that it would suffice to restrict the interim order passed in W.M.P. No. 29334 of 2018 in W.P. No. 25224 of 2018 till 15.04.2019 and re-open that application for all the parties including the Appellants to make their respective submissions before passing any final order in that application. It is also open to the Learned Judge hearing the Writ Petition to dispose the main Writ Petition itself, if deemed appropriate or decide about the necessity to extend the interim order after 15.04.2019, if not otherwise decided earlier.

6. The Writ Appeal is allowed on the aforesaid terms. No

costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
No. 144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Limited,
No. 144, Anna Salai,
Chennai - 600 002.

Copy TO

The Section Officer,
Writ Section, High Court,
Madras. (to Put up in WP. 25224/2018)

+1cc to Mr. Praveen Kumar, Advocate, S.R.No. 15197

+1cc to Mr. P.R.Dhilip Kumar, Advocate, S.R.No. 15894

सत्यमेव जयते

W.A. No. 487 of 2019

AD(CO)
GN(14/03/2019)

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