

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2019

Coram:

THE HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

W.P. No.744 of 2013

1.G.Shanawaz

... Petitioner

..vs..

1. The Chairman,
TANGEDCO,
10th Floor,
No.800, Anna Salai,
Chennai-600 002.
2. The Chief Engineer / Personnel,
TANGEDCO,
8th Floor,
No.800, Anna Salai,
Chennai-600 002.
3. The Superintending Engineer
Chennai Electricity Distribution Circle / Central,
Valluvarkottam, Nungambakkam,
Chennai-600 034.
4. The Assistant Engineer / Civil / MDC,
Chennai-600 002.
5. The Assistant Engineer / Civil,
Chennai Electricity Distribution Circle / Central,
Chennai-600 034.
6. Mr.Elumalai

7. Mr.Venkatesan ... Respondents
(Respondents 6 and 7 are
impleaded as per order
dated 20.02.2018 in W.M.P.No.4464/2018
in W.P.No.744 of 2013.)

Prayer: Writ Petition filed under Article 226 of the
Constitution of India for a Writ of Certiorarified Mandamus,
directing the respondents to promote the petitioner as Senior
Grade Lift Operator with effect from 01.04.2008, on which date

the petitioner's junior Mr.M.A.Venkatesan was promoted as Senior Grade Lift Operator with all monetary and other consequential service benefits or in the alternative promoted the petitioner as Commercial Assistant or Wireman with effect from 01.04.2008 with all monetary and other consequential service benefits.

For Petitioner : Mr.D.Muthu Kumar

For Respondents: Mr.P.R.Dhilip Kumar

ORDER

The instant writ petition is one for a Writ of Certiorarified Mandamus, directing the respondents to promote the petitioner as Senior Grade Lift Operator with effect from 01.04.2008, on which date the petitioner's junior Mr.M.A.Venkatesan was promoted as Senior Grade Lift Operator with all monetary and other consequential service benefits or in the alternative promoted the petitioner as Commercial Assistant or Wireman with effect from 01.04.2008 with all monetary and other consequential service benefits.

2. The facts in brief as follows:

The petitioner is a physically challenged person, who was appointed as Lift Operator on 16.04.1996 in Tamil Nadu Electricity Board Head Office. His probation was completed on 29.05.1997. Since the Lift Operators were found to be surplus, the petitioner was transferred and posted at Chennai EDC/Central, as Helper and the petitioner joined duty on 02.08.2000. The Tamil Nadu Electricity Board, which is now known TANGEDCO, passed the proceedings க.எண்.020400.922.நி12.நி2.கோ.கள உதவி2011, நாள் 31.12.2011; stating that the petitioner's service has been considered as Helper on transfer from Lift Operator from 20.12.2008. The petitioner has filed the instant writ petition stating that once his probation is declared as List Operator then he was entitled to the promotion from the date of his successful completion of probation. The petitioner states that he is entitled to promotion from the date of his immediate junior was promoted. In the alternate, he states that he should be given all promotion benefits from the date of his transfer with effect from 20.12.2008.

3. The 3rd respondent has filed his counter. In the counter, the respondents have taken a stand that since the petitioner has been appointed in the category of Helper only from 20.12.2008, his eligibility for promotion will be considered only from that date. He can be considered for promotion to the post of Commercial Assistant from 2012.

4. Heard the learned counsel on either side.

5. The petitioner had been appointed as Lift Operator and he was transferred due to administrative exigencies on 01.08.2000. His service will have to be counted as Helper, from the date of transfer. The petitioner is therefore entitled to be considered for promotion from 01.08.2000 as Helper, as on date of his transfer and not by later date. The proceedings dated 20.12.2008 reckoning the service of the petitioner only from 20.12.2008 as Helper is erroneous. Eight years of service of the petitioner cannot be permitted to be washed away by the respondents without any reason.

6. This Writ Petition is allowed and the respondents are directed to consider the petitioner for his promotion to the next Post from the date of the petitioner was joined as Helper in Chennai EDC/Central with effect from 01.08.2000 and pass consequential orders within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssn

To

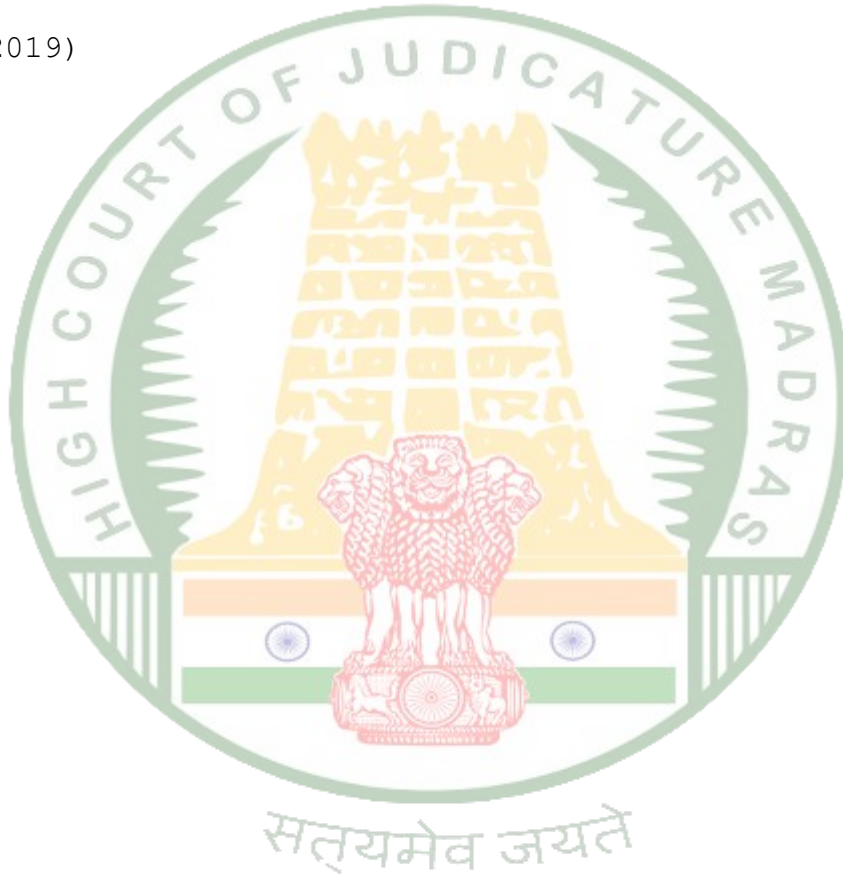
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+1 CC to Mr.D.Muthu Kumar, Advocate sr 87861.
+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 87047

W.P. No.744 of 2013

KK (CO)
SP (27/11/2019)



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