

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

W.M.P.Nos.11522, 11524, 11525, 11532, 11535 and 11536 of 2019
and W.M.P.Nos.24299, 24301, 24303, 24305,
24307 and 24309 of 2018

in

W.P.Nos.20677 to 20682 of 2019

1 THE CHAIRMAN CUM MANAGING [PETITIONER W.M.P.Nos.11522,
DIRECTOR, 11524, 11525, 11532, 11535 and
TAMIL NADU GENERATION AND 11536 of 2019
DISTRIBUTION CORPORATION LTD., IN W.P.Nos.20677 to 20682 of 2019
NO.144, ANNA SALAI, AND 1 TO 3 RESPONDENTS IN]
CHENNAI-600 002.

2 THE CHIEF ENGINEER,
PERSONNEL, TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LTD.,
NO.144, ANNASALAI, CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER,
VILLUPURAM ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION & DISTRIBUTION
CORPORATION LTD.,VILLUPURAM.

A.MANIKANDAN .. PETITIONER in WMP No.24299 of 2018
C.GOPI .. PETITIONER in WMP No.24301 of 2018
S.SELVAM .. PETITIONER in WMP No.24303 of 2018
A.RIAZ .. PETITIONER in WMP No.24305 of 2018
P.VENKATESAN .. PETITIONER in WMP No.24307 of 2018
M.ARJUNAN .. PETITIONER in WMP No.24309 of 2018

Vs

A.MANIKANDAN .. RESPONDENT in WMP No.11522 of 2019
IN W.P.No.20677 of 2019

C.GOPI .. RESPONDENT in WMP No.11524 of 2019
IN W.P.No.20678 of 2019

S.SELVAM .. RESPONDENT in WMP No.11525 of 2019
IN W.P.No.20679 of 2019

A.RIAZ .. RESPONDENT in WMP No.11532 of 2019
IN W.P.Nos.20680 of 2019

P.VENKATESAN .. RESPONDENT in WMP No.11535 of 2019
IN W.P.Nos.20681 of 2019

M.ARJUNAN

.. RESPONDENT in WMP No.11536 of 2019
IN W.P.Nos.20682 of 2019

1 THE CHAIRMAN CUM MANAGING [1 TO 3 RESPONDENTS IN W.M.P.No.24299
DIRECTOR, 24301,24303,24305,24307 & 24309 of 2018
TAMIL NADU GENERATION AND IN W.P.Nos.20677 to 20682 of 2019]
DISTRIBUTION CORPORATION LTD.,
NO.144, ANNA SALAI, CHENNAI-600 002.

2 THE CHIEF ENGINEER,
PERSONNEL, TAMIL NADU GENERATION
AND DISTRIBUTION CORPORATION LTD.,
NO.144, ANNASALAI, CHENNAI-600 002.

3 THE SUPERINTENDING ENGINEER,
VILLUPURAM ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION & DISTRIBUTION
CORPORATION LTD., VILLUPURAM.

4 ELANGO VAN

5 N.SENTHIL

6 P.SUNDARAM

7 S.SATHISHKUMAR

(R4 TO R7 ARE IMPEADED VIDE ORDER DT.04/04/2019

MADE IN WMP.NO.2717/2018 IN WP.NO.20677/2018 BY SMSJ)

Petition praying that in the circumstances stated therein and
in the affidavit filed therewith the High Court will be pleased to

A(I) WMP No.11522 of 2019

To pass orders to Vacte the Order of Status Quo granted in WMP
No.24299/2018 in WP No.20677/2018 dated 11.08.2018.

(II) WMP No.11524 of 2019

To pass orders to Vacte the Order of Status Quo granted in WMP
No.24301/2018 in WP No.20678/2018 dated 11.08.2018.

(III) WMP No.11525 of 2019

To pass orders to Vacte the Order of Status Quo granted in WMP
No.24303/2018 in WP No.20679/2018 dated 11.08.2018.

(IV) WMP No.11532 of 2019

To pass orders to Vacate the Order of Status Quo granted in WMP
No.24305/2018 in WP No.20680/2018 dated 11.08.2018.

(V) WMP No.11535 of 2019

To pass orders to Vacte the Order of Status Quo granted in WMP
No.24307/2018 in WP No.20681/2018 dated 11.08.2018.

(VI) WMP No.11536 of 2019

To pass orders to Vacte the Order of Status Quo granted in WMP
No.24309/2018 in WP No.20682/2018 dated 11.08.2018.

(VII) WMP No.24299 of 2018

To grant an order of interim stay of all further proceedings
pursuant to the impugned order made in Ku.Aa. No.011087/ 889/ Nir-
P3/ Udavi 1/ Ko.Mu.Pa (Va.Aa.Mi.Pa.Aa) / 2018 dated 26.07.2018 and

the consequential impugned order in Ku.Aa.No.011087 / 889/ Nir-P3/ Udavi.1/ Ko.Mu.Pa (Va.Aa.Mi.Pa.Aa) / 2018-1 dated 02.08.2018 passed by the 3rd respondent pending disposal of the above writ petition

(VIII) WMP No.24301 of 2018

To grant an order of interim stay of all further proceedings pursuant to the impugned order made in Ku.Aa. No.011087/ 889/ Nir-P3/ Udavi.1/ Ko.Mu.Pa (Va.Aa.Mi.Pa.Aa) / 2018 dated 26.07.2018 and the consequential impugned order in Ku.Aa.No.011087 / 889/ Nir-P3/ Udavi.1/ Ko.Mu.Pa (Va.Aa.Mi.Pa.Aa) / 2018-1 dated 02.08.2018 passed by the 3rd respondent pending disposal of the above writ petition

(IX) WMP No.24303 of 2018

To grant an order of interim stay of all further proceedings pursuant to the impugned order made in Ku.Aa. No.011087/ 889/ Nir-P3/ Udavi.1/ Ko.Mu.Pa (Va.Aa.Mi.Pa.Aa) / 2018 dated 26.07.2018 and the consequential impugned order in Ku.Aa.No.011087 / 889/ Nir-P3/ Udavi.1/ Ko.Mu.Pa (Va.Aa.Mi.Pa.Aa) / 2018-1 dated 02.08.2018 passed by the 3rd respondent pending disposal of the above writ petition

(X) WMP No.24305 of 2018

to grant an order of interim stay of all further proceedings pursuant to the impugned order made in Ku.Aa.No.011087/889/Nir-P3/Udavi.1/Ko.Mu.Pa(Va.Aa.Mi.Pa.Aa)/2018 dated 26.07.2018 and the consequential impugned order in Ku.Aa.No.011087/889/Nir-P3/Udavi.1/Ko.Mu.Pa(Va.Aa.Mi.Pa.Aa) /2018-1 dated 02.08.2018 passed by the 3rd respondent pending disposal of the above writ petition

(XI) WMP No.24307 of 2018

to grant an order of interim stay of all further proceedings pursuant to the impugned order made in Ku.Aa.No.011087/889/Nir-P3/Udavi.1/Ko.Mu.Pa(Va.Aa.Mi.Pa.Aa)/2018 dated 26.07.2018 and the consequential impugned order in Ku.Aa.No.011087/889/Nir-P3/Udavi.1/Ko.Mu.Pa(Va.Aa.Mi.Pa.Aa) /2018-1 dated 02.08.2018 passed by the 3rd respondent pending disposal of the above writ petition

(XII) WMP No.24309 of 2018

to grant an order of interim stay of all further proceedings pursuant to the impugned order made in Ku.Aa.No.011087/889/Nir-P3/Udavi.1/Ko.Mu.Pa(Va.Aa.Mi.Pa.Aa)/2018 dated 26.07.2018 and the consequential impugned order in Ku.Aa.No.011087/889/Nir-P3/Udavi.1/Ko.Mu.Pa(Va.Aa.Mi.Pa.Aa) /2018-1 dated 02.08.2018 passed by the 3rd respondent pending disposal of the above writ petition

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.ANAND GOPALAN FOR M/S.T.S.GOPALAN AND CO, for the petitioner IN W.M.P.Nos.11522, 11524, 11525, 11532, 11535 and 11536 of 2019 and MR.G.ANAND KUMAR FOR M/S. THAMIZHARASI LAW FIRM for the petitioner in W.M.P.Nos.24299, 24301, 24303, 24305,24307 and 24309 of 2018 AND 1 TO 3 RESPONDENTS IN W.M.P.Nos.24299, 24301, 24303, 24305,24307 and 24309 of 2018 on behalf of the Respondents the court made the following order:-

The order impugned is the inter se seniority list published by the respondents in proceedings dated 26.7.2018 as well as the proceedings of the Superintending Engineer, requesting all Executive Engineers to send the suitability report for promotions in the list of Inspectors, whose names are found in the inter se seniority list.

2. On account of the interim order of status quo granted by this Court, the respondent-Board is unable to grant promotion to any person. In the event of challenging the seniority list for the employees, it is not preferable to stall the entire promotion as the same would cause prejudice to the public interest and for public administration. In the event of keeping the posts vacant for an unspecified period, the works to be performed in respect of the posts are also stalled.

3. Under these circumstances, a balancing approach is to be adopted by the Courts. Undoubtedly, the rights of the writ petitioners are also to be protected.

4. The learned counsel appearing on behalf of the writ petitioners states that the writ petitioners have made out a prima facie case. Even in such cases, the Courts must consider the public interest involved by keeping these public posts vacant for an unspecified period. Even in case of grant of interim orders, the matters are to be heard within the reasonable period of time and the same are to be disposed of by the High Courts. In the event of keeping such matters for number of years, wherein such nature of the interim orders are passed, undoubtedly, the same would affect the public interest and the public administration at large.

5. Contrarily, the rights of the writ petitioners can be protected at the time of passing of the final orders in the writ petitions. In the event of allowing the writ petitions all suitable remedy can be provided to the writ petitioners, including the grant of retrospective promotions with all consequential benefits. However, if the same posts are kept vacant, then nobody will be benefited and the ultimate sufferers would be the public at large.

6. This being the approach to be adopted by the High Courts while granting interim orders of such nature of cases, wherein the seniority lists are challenged, the Courts must be slow in granting interim orders.

7. This being the factum, the interim orders are modified to the extent that all promotions made hereafter would be subject to the result of the final orders to be passed in these writ petitions. If at all any promotion is granted, the authorities competent can stay the pendency of the writ petitions in the order itself.

8. Under these circumstances, the interim order of status-quo stands vacated. Thus, the stay petitions viz., W.M.P.Nos.24299, 24301, 24303, 24305, 24307 and 24309 of 2018 stand dismissed and the vacate stay petitions viz., W.M.P.Nos.11522, 11524, 11525, 11532, 11535 and 11536 of 2019 stand allowed.

9. Registry is directed to list the main writ petitions viz., WP Nos.20677 to 20682 of 2018 for final hearing during the first week of June 2019.

-sd/-

12/04/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.,
NO.144, ANNA SALAI, CHENNAI-600 002.

2 THE CHIEF ENGINEER,
PERSONNEL, TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD., NO.144,
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3 THE SUPERINTENDING ENGINEER,
VILLUPURAM ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION & DISTRIBUTION
CORPORATION LTD., VILLUPURAM.

C.C. to M/S.T.S.GOPALAN AND CO Advocate SR.NO.5366

+6 C.C. to MR.THAMIZHARASI LAW FIRM SR.NO.5421

Order

in

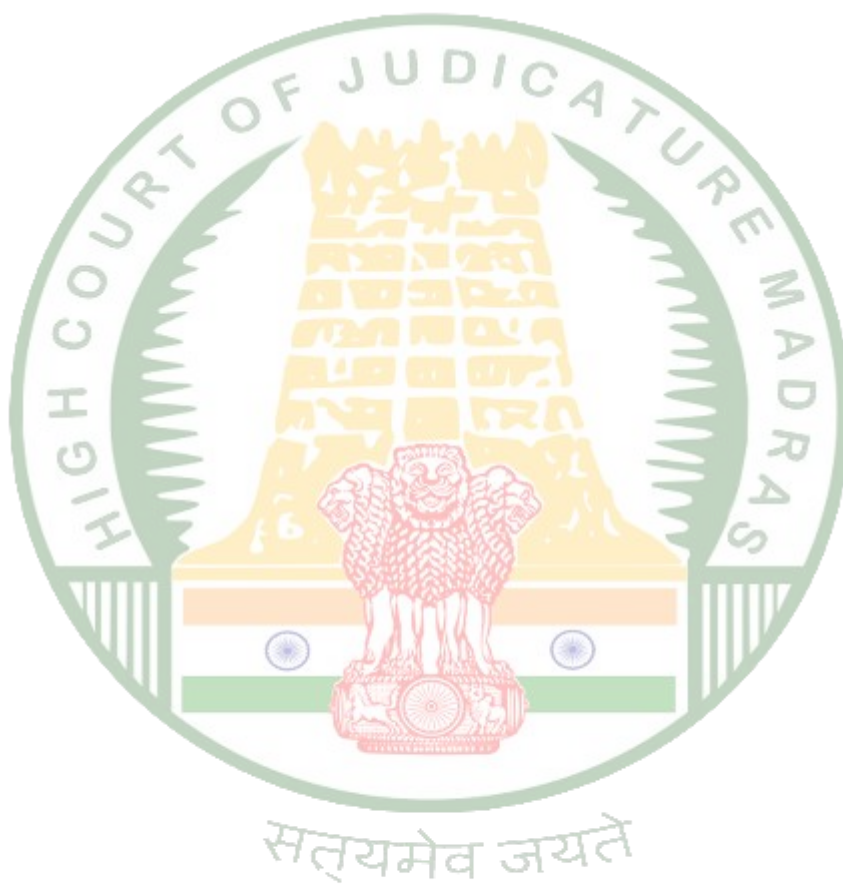
W.M.P.Nos.11522, 11524, 11525, 11532, 11535 and 11536 of 2019
and W.M.P.Nos.24299, 24301, 24303, 24305,
24307 and 24309 of 2018

in

W.P.Nos.20677 to 20682 of 2019

Date :12/04/2019

copies of the Interim Orders in this format
VC (23/04/2019)



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