

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.Nos.1598, 1600 to 1604 of 2019

I C.GOPI APPELLANT IN W.A.NO.1598 OF 2019
1 A.RIAZ Appellant in WA No.1600 of 2019
1 A.MANIKANDAN Appellant in WA No.1601 of 2019
1 S.SELVAM Appellant in WA No.1602 of 2019
1 P.VENKATESAN Appellant in WA No.1603 of 2019
1 M.ARJUNAN Appellant in WA No.1604 of 2019

versus

1.The Chairman cum Managing Director,
TANGEDCO Ltd.,
No.144, Anna Salai,
Chennai 2.

2.The Chief Engineer, Personnel,
TANGEDCO Ltd.,
No.144, Anna Salai,
Chennai 2.

3.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
TANGEDCO Ltd.,
Villupuram

... RESPONDENTS IN WA 1598 OF 2019

1 THE CHAIRMAN CUM MANAGAING DIRECTOR,
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.
NO.144 ANNA SALAI, CHENNAI-2.

2 THE CHIEF ENGINEER PERSONNEL,
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD.
NO.144 ANNA SALAI,
CHENNAI-2.

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

... RESPONDENTS in WA No.1600,1601
1602, 1603,1604 of 2019

4.ELANGO VAN	...4TH RESPONDENT IN WA 1601 OF 2019
5.N.SENTHIL	...5TH RESPONDENT IN WA 1601 OF 2019
6.P.SUNDARAM	...6TH RESPONDENT IN WA 1601 OF 2019
7.S.SATHISHKUMAR	...7TH RESPONDENT IN WA 1601 OF 2019

Appeal filed against the order passed by this Court dated 12.04.2019 in WMP Nos.24301 of 2018 and 11524 of 2019 in W.P.No.20678 of 2018.

Prayer in WA No.1600 of 2019:

Writ Appeal filed Under Clause 15 of the Letters Patent praying to set aside the order dated 12.04.2019 passed in WMP No.11532 of 2019 in WP No.20680 of 2018 on the file of this court by allowing this Writ Appeal.

Prayer in WA No.1601 of 2019:

Writ Appeal filed Under Clause 15 of the Letters Patent praying to set aside the order dated 12.04.2019 passed in WMP No.11522/2019 in WP No.20677/2018 on the file of this Court, by allowing this Writ Appeal.

Prayer in WA No.1602 of 2019:

Writ Appeal filed Under Clause 15 of the Letters Patent praying to set aside the order dated 12.04.2019 passed in WMP No.11525/2019 in W.P.No.20679/2018 on the file of this Court, by allowing this Writ Appeal.

Prayer in WA No.1603 of 2019:

Writ Appeal filed Under Clause 15 of the Letters Patent praying to set aside the order dated 12/04/2019 passed in WMP No.11535/2019 in WP No.20681/2018 on the file of this Court, by allowing this Writ Appeal.

Prayer in WA No.1604 of 2019:

Writ Appeal filed Under Clause 15 of the Letters Patent praying to set aside the order dated 12/04/2019 passed in WMP No.11536/2019 in WP No.20682/2018 on the file of this Court, by allowing this Writ Appeal.

Common Prayer in WP No.20677 to 20682 of 2018:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records relating to the 3rd respondents impugned orders 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 and quash the same as illegal and without application of mind and consequently direct the 3rd respondent to promote the petitioner to the post of Foreman Grade I by fixing his seniority in the inter se seniority list for promotion to the post of Foreman Grade I on the basis of Helper seniority.

For appellant : Mr.Anandakumar, G.

For Respondents : Mr.P.R.Dilip Kumar
for respondents 1 to 3

:Mr.B.Dhanasekaran
for R4 to R7 in WA NO.1601 of 2019

COMMON JUDGMENT

The appellants challenged the proceedings dated 26 July 2018, fixing the inter-se seniority before the writ court. The learned Single Judge initially granted interim order which was subsequently vacated. The order vacating the interim stay is under challenge at the instance of the writ petitioners.

2. The appellants seek an order to promote them to the post of Foreman Grade I, taking into account the seniority position in the post of Helper.

3. Since the seniority list published earlier would stand in the way of giving promotion, the appellants filed a Writ Petition challenging the seniority list. The learned Single Judge initially granted an interim order directing the parties to maintain status quo. Subsequently, counter affidavit was filed by the Tamil Nadu Generation and Distribution Corporation Ltd., (hereinafter referred to as TANGEDCO), Villupuram, indicating the factual position. The TANGEDCO maintained that it would not be possible to fix the seniority on the basis of the seniority position in the post of Helper. The interim order was therefore modified.

4. Even though the appellants made a prayer for setting aside the seniority list, the fact remains that the candidates who were appointed as Foreman Grade I were not included in the Writ Petitions.

5. The learned Single Judge passed an order to the effect that the promotion given would be subject to the result of the Writ Petitions. We are of the view that the said order would take care of the interest of the appellants. We are therefore of the view that there is no case made out by the appellants in the intra court appeals.

6. We therefore dismiss the intra court appeals without any liability to pay costs. Consequently, C.M.P.Nos.10944, 10948, 10949, 10947, 10950, 10953 of 2019 are also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tar
To

1.The Chairman cum Managing Director,
TANGEDCO Ltd.,
No.144, Anna Salai,
Chennai 2.

2.The Chief Engineer, Personnel,
TANGEDCO Ltd.,
No.144, Anna Salai,
Chennai 2.

3.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
TANGEDCO Ltd.,
Villupuram.

+1cc to M/s.Thamizharasi Law Firm, Advocate Sr.51637
+1cc to Mr.B.Manoharan, Advocate Sr.52114

W.A.Nos.1598,
1600 to 1604 of 2019

pm[co]
srg 26/07/2019