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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32620 of 2019

And

W.M.P.No.33009 of 2019

R.Nagapushanam

... Petitioner

Vs.

- 1.The Chairman,
Tamilnadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer (Personal)
Tamilnadu Generation and Distribution Corporation Limited,
8th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer (Distribution)
Chennai South
Tamilnadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to permit the petitioner to join in the post of Senior Administrative Officer in the office of the Chief Engineer/ Distribution/ Chennai south in view of the promotion and posting order vide (PER) CMD. TANGEDCO proceedings No.203 issued by the first respondent and consequently allow the petitioner to discharge his duty under the third respondent.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.P.R.Dilip Kumar



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to permit the petitioner to join in the post of Senior Administrative Officer in the Office of the Chief Engineer/ Distribution/ Chennai South in view of the promotion and posting order vide (PER) CMD. TANGEDCO proceedings No.203 issued by the first respondent and to consequently allow the petitioner to discharge his duty under the third respondent.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner was appointed as Helper in the year 1987 in Vellore EDC and was promoted as Assistant in the year 1996 and was further promoted as Administrative Supervisor in the year 2007. The petitioner was Assistant Administrative Officer in the year 2011 and was further promoted as Administrative Officer in the year 2017 and was posted at Ennore Thermal Power Station. Thereafter, the petitioner was promoted as Senior Administrative Officer vide proceedings dated 13.11.2019 and was posted at the Office of the third respondent. Accordingly, the petitioner got relieving order dated 14.11.2019 from the Superintending Engineer/ Electrical, Ennore Thermal Power Station and went to the Office of the third respondent for joining duty, however, he was not allowed to join duty. Hence, the present writ petition.

4.The learned counsel appearing for the petitioner would submit that this Court may issue direction to the respondents to implement the proceedings dated 13.11.2019 and the relieving order dated 14.11.2019 within a reasonable time frame.

5.The learned Standing Counsel appearing for the respondents would submit that though the petitioner was transferred to the South region by way of promotion in the existing vacancy, one Sridhar who is junior to the petitioner made request prior to the promotional list to accommodate him in the South region. Hence, his request was considered and he was allotted in the South region and the said order was passed on 18.11.2019. He would further submit that any order passed by this Court can be implemented in this case.

6.Though initially the order was passed in favour of the petitioner in the existing vacancy in the South region, without considering his seniority, intentionally, the respondents accommodated one Sridhar who is junior to the petitioner in the South region without any valid reason. Hence, the submission made by the learned Standing Counsel appearing for the respondents is un-reasonable. I am inclined to issue direction to the respondents to implement the proceedings dated 13.11.2019



and the relieving order dated 14.11.2019, within a period of two weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
Tamilnadu Generation and Distribution Corporation Limited,
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Tamilnadu Generation and Distribution Corporation Limited,
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Chennai - 600 002.
- 3.The Chief Engineer (Distribution)
Chennai South
Tamilnadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.M.Rajendiran, Advocate SR.No.97520

+1cc to Mr.P.R.Dilip Kumar, Advocate SR.No.97930

W.P.No.32620 of 2019
And
W.M.P.No.33009 of 2019

PM(CO)
GMY(13/12/2019)