

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 25224 of 2018
and
W.M.P.No. 29334 of 2018

1. Tamil Nadu Electricity Board Engineers' Sangam
Reg. No.124/MDS
Rep. by its General Secretary
V.S.Sampath Kumar
Having Office at No.144, Anna Salai
Chennai - 600 002.
2. Mrs.N.Thilagavathy
Wife of Mr.C.Narayanakumar
No.A/4, Nochi Nagar, Santhome High Road
Mylapore, Chennai - 600 004 .. Petitioners

Vs.

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

3. R.Ramkumar

4. S.Dhaha Roohulla

5. I.Maria Seshan .. Respondents
(RR3 to 5 are impleaded vide orders
dated 20/02/2018, made in WMP No.3479/19 in
WP No.25224/18)

PRAYER: This Writ Petition is filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of
Certiorarified Mandamus, calling for the records of the 2nd

respondent in (Per) (CMD0 TANGEDCO Proceeding No.114 dated 22.06.2017, 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 ratio of 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 Engineer (Electrical) without first adhering to the said ratios, pass such other orders as deemed fit in the circumstances of the case.

For Petitioners : Mr.Sundar Narayanan

For Respondents : Mr.Anand gopalan
for M/s.T.S.Gopalan & CO
for R1 & R2

Mr.Naveen Kumar murthi
for R3 to R5

O R D E R

The proceedings dated 22.06.2017, namely the Recruitment notification is under challenge in the present writ petition.

2. Admittedly, all the writ petitioners are serving in the cadre of Junior Engineer Grade II and their next avenue for promotion is Junior Engineer Grade-I and thereafter, to the post of Assistant Executive Engineer. The grievance of the writ petitioners is that they all are fully qualified for promotion to the post of Assistant Executive Engineer. After granting promotion to the post of Junior Engineer Grade-I, which is the feeder category for Assistant Executive Engineer, and Junior Engineer Grade II, which is the feeder category for Junior Engineer Grade I. As of now the petitioners are working as Junior Engineer Grade II.

3. The learned counsel for the petitioner states that adequate representations are not provided in the cadre of Assistant Engineer and the Junior Engineer Grade - I by promoting the eligible persons in the cadre of Junior Engineer Grade - II, the reason being that a writ petition is kept pending before the Madurai Bench of Madras High Court and as well as the SLP pending before the Honourable Supreme Court of India.

4. May that it be, this Court is of the opinion that stalling of the entire appointment or promotion would create inconvenience to the public in general. Electricity Board is providing essential service to the people at large. Service of an Electricity Board being an essential one, stalling of the recruitment or promotion of that Board will certainly provide a cause for inconvenience to the public at large.

5. Contrarily, the grievances of the writ petitioners can be adjudicated and suitable remedy can be granted, if they are otherwise suitable for further promotions, both to the post of Junior Assistant Grade - I as well as to the post of Assistant Executive Engineer as per the rules and as per the seniority list published by the competent authorities.

6. The learned counsel for the writ petitioner solicits the attention of this Court with reference to the terms of settlement and clause - 12 states that " the existing ratio of 2:3 between Assistant Engineers and Junior Engineers Grade - I posted to Distribution Sections and existing ratio (2:2:1) adopted in other areas will also continue as it will be reviewed after due discussions. However, this will be subject to the outcome of the SLP pending before the Hon'ble Supreme Court of India till then, status-quo will continue."

7. The learned counsel for the respondent also made a submission that steps are taken to provide promotions to the post of Junior Engineer Grade - I from eligible persons, who all are working as Junior Engineer Grade - II. With reference to the said submission paragraph No.4 of the counter affidavit filed by the respondents states as follows,

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"The grievance of the petitioner is that this respondent is not initiating promotion process from Junior Engineer Grade - II to Junior Engineer Gr I; and from Junior Engineer Gr.II. I state that, as on 2015, this respondent had initiated the promotion process from Junior Engineer II to Junior Engineer Gr.I published a seniority list and the said seniority list was challenged before this Hon'ble Court, initially in W.P.(MD) No.20714//2015` Following this, many other writ petitions were also filed. The petitions were

disposed of. Following this, some of the contesting respondents in those writ petition have filed Writ Appeal (MD) No.1227/2018, wherein this respondent has been directed to maintain status-quo. It is only in such circumstances that the respondent has not been able to proceed with the promotion process from Junior Engineer Gr.II to Junior Engineer Gr.I. I state that given that the promotion process from Junior Engineer Gr.II to Junior Engineer Gr.I have been stalled, the respondent is also not able to proceed with the promotion process from Technical Assistant to Junior Engineer Gr.II, etc."

8. The learned counsel appearing on behalf of the contesting respondents states that the appointments are stalled and in respect of the promotions, the writ petitioners have to wait till the final disposal of the writ petition, pending before Madurai Bench of this Court. As far as promotion to the post of Junior Grade-I is concerned, the respondents made a submission that they have already undertaken the process and the process of promotion would be completed at the earliest possible and by strictly following the rules in force.

9. In view of the fact that the next Avenue for promotion to the writ petitioners is to the post of Junior Engineer Grade I. They are absolutely not connected with the Direct Recruitment to be made to the post of Assistant Engineers. Thus, as far as the impugned notification is concerned, the writ petitioners are not aggrieved persons and they cannot stall the recruitment to be made to the post of Assistant Engineer directly. In respect of their grievance in relation to the promotion to the post of Junior Engineer Grade I, adequate steps are taken and the respondents have provided in the counter itself that promotion process are initiated and they have taken steps to grant promotion as per the seniority and as per the Rules in force. This being the submission made on behalf of the respondent, the present writ petition deserves no further consideration and the respondents are directed to consider the case of the writ petitioners for grant of promotion to the post of Junior Grade - I and as far as the direct Recruitment for the post of Assistant Engineer is concerned, the writ petitioners are not aggrieved persons as they have not established any right in respect of the direct Recruitment process undertaken by the respondents.

10. This being the factum, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition and accordingly, writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Kmm

To

1. The Tamil Nadu Generation and Distribution Corporation Managing Limited
Represented by its Chairman
No.144, Anna Salai, Chennai - 600 002.
 2. The Chief Engineer/Personnel
The Tamil Nadu Generation and Distribution Corporation Limited
No.144, Anna Salai, Chennai - 600 002.
- +1cc to Mr.Sundar Narayan, Advocate SR.No.23470
+1cc to Mr.Naveen Kumar, Advocate SR.No.22971
+1cc to M/s.TS.Gopalan & Co, Advocate SR.No.22336

W.P.No.25224 of 2018

RV (CO)
GMY (28/03/2019)

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