



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.A(MD)NO.1227 OF 2018
and
C.M.P(MD)Nos.8594 and 9650 of 2018
and
C.M.P(MD)No.2134 of 2019**

M.Vetrivelu,
Junior Engineer(Electrical) 1-Grade,
Tuticorin Thermal Station,
Tuticorin

:Appellant/Respondent No.2

.vs.

1.M.Mohammed Raffi

2.V.Mohammed Ali

3.E.Shanmugavel

4.S.Murugan

5.A.Ismail

6.M.Habeebullah

7.Annavmuthu

:Respondents 1 to 7/Writ
Petitioners

8.The Chief Engineer,
TANGEDCO/TNEB,
No.144, Anna Salai,
Chennai

: Respondent No.8/
Respondent No.1

9.K.Sankarapandi

10.A.Saravanan

11.M.Baruk Hussain

<https://hcservices.ecourts.gov.in/hcservices/>

12.S.Kesavan



13.M.Senthil Kumar

14.P.Anand

15.R.Sundareswaran

16.A.Palani

17.K.Venkatesan

18.M.Kannimuthu

19.S.K.Ramamoorthy

20.R.Rangaraj

21.K.Ramasamy

22.N.Sivakumar

23.D.Palaniswamy

24.The Tamil Nadu Engineers Organization,
represented by its General Secretary,
(Reg.No.2998/CNI),
27, Mosque Street,
Chepauk, Chennai - 600 005.

25.V.Natarajan,
Son of S.Veerapandian,
Junior Engineer Grade-II/Electrical,
110 KV Sub-Station, Kilakarai,
Ramanad Electricity Distribution Circle,
Ramanathapuram,
residing at
No.30, North Car Street,
Ramanathapuram - 625 501.

26.G.Ravi,
Son of Gopal,
Junior Engineer Grade-II/Electrical,
110 KV Sub-Station, Paramakudi,
Ramanad Electricity Distribution Circle,
Ramanathapuram,
residing at
No.12/338(P10)Nagar,
Paramakudi - 623 707.



27.G.S.Saurendran

Son of G.G.Srinivasan,
Junior Engineer Grade-II/Electrical,
110 KV Sub-Station, TANTRANSO,
Ramanad Electricity Distribution Circle,
Kadaladi, Ramanathapuram District,
residing at No.1/73-6B, Jeeva Nagar,
Emaneswaram - 623 701, Paramakudi Taluk,
Ramanathapuram District.

28.K.V.Gopinath,

Son of K.G.Venkatasalapathy,
Junior Engineer Grade-II/Electrical,
110 KV Sub-Station, TANTRANSO,
Ramanad Electricity Distribution Circle,
Paramakudi -623 707, Ramanathapuram,
residing at No.5/128, Patel Street,
Emaneswaram - 623 701,
Paramakudi Taluk, Ramanathapuram District.

29.K.N.Govindaraman

Son of K.L.Nagendran,
Junior Engineer Grade-II/Electrical,
110 KV Sub-Station, TANTRANSO,
Sivagangai Electricity Distribution Circle,
Elayankudi,, Ramanathapuram,
residing at D.No.1/73(32),Jeeva Nagar,
Emaneswaram, Paramakudi Taluk,
Ramanathapuram District. :Respondent No.9 to 29/
Impleading Respondent
No.3 to 23

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.20174 of 2015, dated 25.7.2015.

Prayer in WP(MD). 20714/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records of the 1st respondent in Memo No.60296/280/G1/G12/2013-60 dated 11.11.15 and Memo No.88345/330/G1/G12/2015-3 dated 11.11.15 and quash the same and consequently (*)direct 1st respondent to promote the petitioners from the date of promotion given to the Mr.Manickam, Serial No.5 in the 2nd impugned order in Memo.No.88345/330/G1/G12/2015-3 dated 11.11.15 with all service and monetary benefits and also, direct the 1st respondent to prepare common seniority list of JE-Grade-II for promotion to the post of JE-Grade-I and benefits.



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For Appellant : Mr.T.Lajapathi Roy

For Respondents : Mr.H.Arumugam
1 to 7

For Respondent-8 : Mr.K.Chellapandian
Addl.Advocate General
assisted by
Mr.Kasinathadurai

For Respondent-15 : Mr.K.Essakki

For Respondents : Mr.C.K.Chandrasekar
26,27 and 29

For the proposed
impleading Petition in
in C.M.P.No.2134/2019: No appearance

For the proposed
impleading Petition in
in C.M.P.No.9650/2019: No appearance

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the Writ Court made in W.P(MD)No.20174 of 2015, dated 25.7.2015.

2.The appellant herein is the second respondent in the said Writ Petition. The Writ Petitioners challenged the seniority list prepared for promotion to the post of Junior Engineer Grade-I. The Writ Petitioners are functioning as Junior Engineer Grade-II, from which position promotion is given to the post of Junior Engineer Grade-I. It is seen that for filling up the post of Junior Engineer Grade-II, a ratio of 3:1 is followed from the diploma-holders and non-diploma holders respectively.

3.The grievance of the Writ Petitioners was that there was no common seniority list prepared among Junior Engineer Grade-II, which post is being filled up from diploma holders and non-diploma holders at the ratio of 3:1. Therefore, they contended that the impugned seniority list prepared without preparing a common seniority list, cannot be sustained as it would affect their promotional avenue to the post of Junior Engineer Grade-I.

4.The Writ Court, after considering the case of the Writ Petitioners and the respondents and after finding the admitted position that there was no common seniority list prepared in respect of Junior Engineer Grade-II, has set aside the impugned seniority



list and directed the first respondent therein to prepare a common seniority list among Junior Engineer Grade-II within a period of eight weeks and after framing such common seniority list to display the same so as to invite objection from the affected persons, if any and thereafter to proceed further by giving promotion to the post of Junior Engineer Grade-I. It is now stated before this Court that in pursuant to the order passed by the Writ Court, a fresh tentative list is prepared on 22.11.2018 and 8.11.2018.

5.The learned Additional Advocate General appearing for the official respondent/Respondent No.8 submitted that in the tentative list, dated 22.11.2018 and 8.11.2018, it is clearly stated that such seniority list is only tentative and if no representation regarding *inter-se* seniority has been made within a period of one month, it will be presumed that there is no objection for the *inter-se* seniority and that further action will be taken accordingly for finalizing the said *inter se* list. The learned Additional Advocate General further submitted that the list as such prepared and published is only a tentative list and therefore any affected person can very well file his objections and ventilate the grievances before the concerned authority. Therefore he submitted that none of the parties in this Writ would have any grievance against the order passed by the Writ Court, as it has only directed the authorities to prepare a fresh seniority list also by granting liberty to the affected parties to make their objections against such list, if any.

6.Heard both sides.

7.Perusal of the order passed by the Writ Court and also by considering the admitted position that there is no common seniority list among Junior Engineer Grade-II, would establish that there is no error in the order passed by the Writ Court directing the preparation of common seniority list among Junior Engineer Grade-II.

8.When such common seniority list is prepared, that too, tentatively by granting liberty to the affect persons to give their objections, We do not see any justification on the appellant to challenge the said order, as it is always open to the him or any other affected persons to approach the authorities and file their objections ventilating their grievances, if any, against such tentative seniority list.

9.When such course of remedy is available to the appellant as well as to the affected persons and when such avenue is spelt out clearly in the order of the Writ Court itself, We do not find that the present Writ Appeal deserves any further consideration.



10. Accordingly, the Writ Appeal is dismissed, however, with liberty to the affected persons to make their objections before the authority concerned as against the tentative list published on 22.11.2018 and 8.11.2018 within a period of three weeks from the date of receipt of a copy of this order. On receipt of such objections, the authority concerned shall consider such objections and prepare a final list accordingly and publish the same within a period of four weeks thereafter. No costs. Consequently, the connected Miscellaneous Petitions (including impleading applications) are dismissed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

The Chief Engineer,
TANGEDCO/TNEB,
No.144, Anna Salai,
Chennai .

+1CC TO MR.G.KASINATHA DURAI, Advocate Sr. No.72919
+1CC TO MR.H.ARUMUGAM, Advocate Sr. No.73065
+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.73082
+1CC TO MR.A.RAHUL, Advocate Sr. No. 73080

JUDGMENT MADE IN
W.A (MD) NO.1227 OF 2018
and
C.M.P (MD) Nos.8594 and
9650 of 2018
and
C.M.P (MD) No.2134 of 2019
02.07.2019

NS (CO)

TR (09.07.2019) 6P 6C