



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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W.P(MD) .No. 16374 of 2019
and W.M.P. (MD) No.13019 of 2019

G. Balakumar

: Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman,
144, Anna Salai, Chennai - 2.

2. The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 2.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a **Writ of Mandamus**, directing the respondents to draw the final seniority list in the cadre of Assistant Engineer and then proceed with the promotion of Assistant Executive Engineer in pursuant to the proceedings of the second respondent vide Letter No.093166/375/G.1/G.11/2018-4, dated 03.12.2018 in conformity with the order, dated 30.04.2019 made in W.P.(MD) No.11156 of 2019.

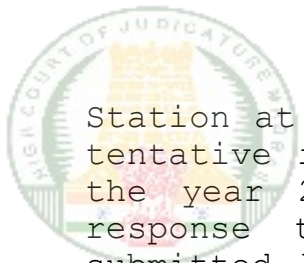
For Petitioner : Mr.Ajmal Khan, Senior Counsel
for Ajmal Associates.

For Respondents : Mr.S.M.S. Johnny Basha
Standing counsel

ORDER

The writ petition has been filed seeking for a direction to the respondents to prepare the final seniority list in the cadre of Assistant Engineer and then proceed with the promotion of Assistant Executive Engineer, pursuant to the proceedings of the second respondent, vide Letter No.093166/375/G.1/G.11/2018-4, dated 03.12.2018 in conformity with the order, dated 30.04.2019 made in W.P.(MD) No.11156 of 2019.

2. According to the petitioner, he was initially appointed as Technical Assistant on 27.06.1990 in Power Line Career Communication (P&C) at Chennai and subsequently, he was promoted as Junior Engineer Grade-II on 06.04.2001 at Periyakulam 110/ 22KV Sub-



Station at Theni District. The second respondent has published the tentative inter seniority list of Assistant Engineer/Electrical for the year 2007, vide Memo No.037499/1435/G.18/G.181/2018-2 and in response to the tentative seniority list, the petitioner has submitted his objection, finally on 05.09.2018, but, no order has been passed by the second respondent. The further grievance of the petitioner is that, again, the second respondent has published the inter seniority list of Assistant Engineer/Electrical for the year 2007, vide Memo No.037499/1435/G.18/G.181/2018-3, dated 27.11.2018 and the petitioner has also submitted his objection, finally on 14.12.2018. In the meantime, the second respondent has called for the service particulars and suitability for the Assistant Engineers for promotion to the post of Assistant Executive Engineers, vide his Letter No.093166/375/G.1/G.11/2018-4, but, no order has been passed by the second respondent. Hence, the petitioner has filed W.P.(MP) No.11156 of 2019 the same was allowed by this Court on 30.04.2019, even thereafter, the seniority list was not finalised by the second respondent. The further grievance of the petitioner is that he has submitted a representation, dated 18.06.2019 to the first respondent, but no order was passed. Hence, the instant writ petition is filed.

3. Today, when the matter is taken up for hearing, the learned Senior Counsel brought to the notice of this Court that, without complying the earlier order of this Court, dated 30.04.2019 in W.P.(MP) No.11156 of 2019, the respondents/Board has issued promotion orders by violating the said order of this Court.

4. The second respondent/Chief Engineer is also present before this Court. Pending the instant writ petition, the second respondent has passed an order on 20.08.2019 and the same was served to the learned Senior Counsel appearing for the petitioner.

5. According to the respondents, already, Assistant Engineers are promoted to the post of Assistant Executive Engineer/Electrical and the promoted Assistant Executive Engineers were placed senior on the petitioner. The objection filed by the petitioner has been considered and passed an order on 20.08.2019. Therefore, in the light of the aforesaid order, dated 20.08.2019, it is open to the petitioner to challenge the aforesaid order, dated 20.08.2019, if it is aggrieved.

6. In view of the above, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

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W.P(MD).No. 16374 of 2019

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-83059[F] dated 22/08/2019)

W.P (MD) .No. 16374 of 2019
21.08.2019

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