



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. [MD] No. 4725 of 2016

WEB COPY

M. Palanisamy

: Petitioner

Vs.

1. The Chief Engineer/Personnel,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
Perambalur Electricity Distribution Circle,
TANGEDCO,
Perambalur.

3. The Executive Engineer,
Operator & Maintenance,
TANGEDCO,
Ariyalur & District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to include the name of the petitioner in the promotion panel, within a time stipulated by this Court.

For Petitioner
For Respondents

: Mrs. J. Anandhavalli
: Mr. S. M. S. Johnny Basha

O R D E R

The petitioner has filed the present Writ Petition seeking a direction to the first respondent to include his name in the promotion panel.

2. Heard the submissions made by the learned counsel on either side.

3. The grievance of the petitioner is that while in service, the third respondent issued a charge memo alleging continuous absent from duty between 10.03.2014 and 06.04.2014, based on which, disciplinary proceedings were initiated and out of three charges, two charges were held as not proved and one charge was held proved, for which, stoppage of increment for one year with cumulative effect was ordered. Against the same, he filed an appeal dated 08.12.2015 to the second respondent. When that being so, the promotion panel was being made ready and the crucial date for consideration was 25.03.2015. Therefore, seeking inclusion of his name in the promotion panel, the petitioner has approached this Court.



4. Though the prayer is in the nature of Mandamus, directing the first respondent to include the petitioner's name in the promotion panel, at the time of hearing, the learned counsel for the petitioner submitted that it would suffice, if the appeal before the second respondent be disposed of, within the time stipulated by this Court, for which, the learned Standing Counsel appearing on behalf of the respondents has no serious objection.

5. Considering the limited scope of the prayer now sought for by the learned counsel for the petitioner, which has also been agreed by the learned Standing Counsel for the respondents, this Court, without going into the merits of the case, directs the second respondent to consider the appeal preferred by the petitioner dated 08.12.2015 and dispose of the same, on merits and in accordance with law, after due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

SML

To:

1.The Chief Engineer/Personnel,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Perambalur Electricity Distribution Circle,
TANGEDCO,
Perambalur.

3.The Executive Engineer,
Operator & Maintenance,
TANGEDCO, Ariyalur & District.

Order made in
W.P. [MD] No. 4725 of 2016

Dated: 26.03.2019