



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.3732 of 2016

K.B.Kirubakar

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation ltd.,
rep. by its Chairman-cum-Managing Director,
No.144, Anna Salai,
Chennai-600 002.

2.The Secretary,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.1 to consider the petitioner for promotion to the post of Assistant Audit Officer with retrospective effect from the date on which the others in the panel for the year 2014-15 were given promotion within the time stipulated by this Court.

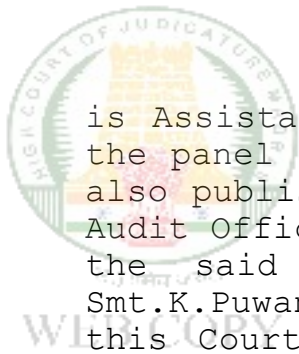
For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.Kasinatha Durai

ORDER

This writ petition is filed seeking for a mandamus directing the Respondent No.1 to consider the petitioner for promotion to the post of Assistant Audit Officer with retrospective effect from the date on which the others in the panel for the year 2014-15 were given promotion.

2. Mr.Kasinatha Durai, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he is working in the cadre of Auditor in Audit Branch of TANGEDCO and the next avenue of promotion

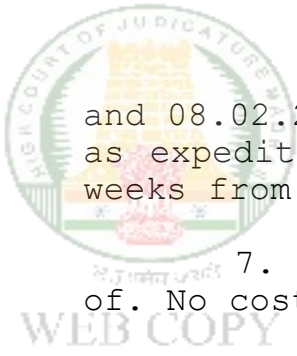


is Assistant Audit Officer. The petitioner's name was included in the panel for promotion for the year 2014-15. The first respondent also published another panel for promotion to the post of Assistant Audit Officer for the very same year. Out of 17 persons included in the said panel, three persons were already promoted. One Smt.K.Puwaneshwari, who was reverted, filed W.P.No.10261 of 2010 and this Court initially granted interim stay and by the order dated 14.09.2010 vacated the interim stay already granted. The petitioner gave a representation, dated 08.10.2015 to the first respondent to extend the panel for a further period till the promotions are effected. The first respondent did not pass any order. The petitioner filed W.P.No.21875 of 2015 and this Court by order, dated 08.12.2015 without expressing any opinion on merits, directed the first respondent to dispose the representation of the petitioner, within a period of eight weeks. The petitioner also sent another representation, dated 08.02.2016 to the respondents. The respondents have not passed any orders and hence, he has come out with the present writ petition. Though the petitioner sought for a larger relief in the writ petition, when the Writ Petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents to consider his representation, dated 08.10.2015.

4.Mr.Kasinathadurai, learned counsel appearing for the respondents submitted that originally the petitioner's name was included in the panel for promotion in the year 2014 and in view of the pendency of the case, the petitioner's name was not considered. Now, out of 17 persons, three were promoted and other persons including the petitioner were not promoted for pendency of cases and other reasons and the panel also lapsed and prayed for dismissal of the writ petition.

5. From materials on record, it is seen that this Court by order, dated 08.12.2015, directed the first respondent to pass orders on the representation of the petitioner, dated 08.10.2015. The petitioner gave another representation, dated 08.02.2016 and no order was passed on the said representation. The petitioner has sought for larger relief for promotion to the post of Assistant Audit Officer with retrospective effect as per panel for the year 2014-2015 as others were given promotion. The petitioner has not given any details of promotion to other persons. Considering the above materials in its entirety, the petitioner is not entitled for a larger relief, but the first respondent has to pass orders on the representation of the petitioner, dated 08.10.2015, as per the earlier order passed by this Court, dated 08.12.2015, made in W.P.No.21875 of 2015 and also on the representation, dated 08.02.2016.

6. In the result, the first respondent is directed to consider the representations of the petitioner, dated 08.10.2015



and 08.02.2016 and pass orders on merits and in accordance with law, as expeditiously as possible in any event within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

TO

The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation ltd.,

No.144, Anna Salai,
Chennai-600 002.

+1 CC to M/s.G. KASINATHADURAI, Advocate (SR-85382[F] dated
05/09/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-85585[F] dated
06/09/2019)

W.P. (MD)No.3732 of 2016

05.09.2019

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MS/26.09.2019/3P.4C