

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17673 of 2013

C.Vasudevan

... Petitioner

Vs.

1.Chairman and Managing Director,
N.U.B, NPCI Ltd.,
Anushakthi Nagar,
Mumbai – 4000094.

2.Director (F/S),
N.U.B, NPCI Ltd.,
Anushakthi Nagar,
Mumbai – 4000094.

3.Director (HR),
N.U.B, NPCI.0 Ltd.,
Anushakthi Nagar,
Mumbai – 4000094.

4.Site Director,
TMS, Tarapur,
Boisan – 401504.

5.Additional General Manager,
TMS, Tarapur,
Boisan, Thane District – 401504,
Maharashtra.

6.Manager (Finance)
NPCIL V.S Bhavan
Anushakti Nagar
Mumbai – 4600094.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent in whose hand the representation dated 14.03.2013 is pending to consider the case of the petitioner, as requested for in the said representation as quasi judicial officer and to do the needful to the petitioner based on the Rules and Regulations and on following the law connected to the subject matter.

For Petitioner : M/s.S.Ramaswamyrajarajan
For Respondents : M/s.V.Vijayshankar

ORDER

This writ petition has been filed seeking issuance of Writ of Mandamus directing the first respondent in whose hand the representation dated 14.03.2013 is pending to consider the case of the petitioner, as requested for in the said representation as quasi judicial officer and to do the needful to the petitioner based on the Rules and Regulations and on following the law connected to the subject matter.

2.The case of the petitioner is that the petitioner joined as Upper Division Clerk during the year 1977 in the Department of Atomic Energy Reactor Research Centre, Kalpakkam and after several promotions, retired from service as Senior Manager on 31.03.2012 on

attaining the age of superannuation from Tharapur Atomic Power Station NPCIL, Tarapur. According to the petitioner, he is one of the senior most Officers and was having all requisite conditions of service to become Deputy General Manager Finance and Accounts.

3.It is the further case of the petitioner that the petitioner made representation to the respondents seeking to give a chance to appear for the interview for promotion to the post of Deputy General Manager and he received a letter dated 15.02.2012 from the Senior Manager (HRM – NT) through the fifth respondent stating that his request could not be acceded to because he is not meeting the appraisal ratings prescribed in the promotion norms. Hence, the petitioner sought for information under the Right To Information Act, from which, the petitioner came to know that the remarks in his ACR for the period 01.04.2009 – 30.06.2009 and 01.07.2009 – 30.06.2010 made by the Reporting Officer/ Assessing Authority and Reviewing Officer were modified by the Accepting Authority.

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4.It is the further case of the petitioner that thereafter the petitioner made representation dated 14.03.2013 to the first respondent seeking to restore the ratings given by the Assessing and

Reviewing Authority and to consider his case for retrospective promotion to the cadre of Deputy General Manager Finance and Accounts and since there was no response, came forward to file this writ petition.

5.The learned counsel appearing for the petitioner would submit that since the ratings given by the Assessing and Reviewing Authority were modified by the Accepting Authority, the petitioner was not considered for promotion to the post of Deputy General Manager Finance and Accounts.

6.The learned counsel appearing for the respondents, pointing out to the counter affidavit, would submit that since the petitioner was rated as 'very good', the Screening Committee did not find him eligible for promotion within the minimum eligibility period, which requires appraisal rating as 'outstanding' for the minimum eligibility period of five years. He would further submit that 'very good' is the minimum bench mark and not adverse and the same need not to be communicated.

7.At this juncture, the learned counsel appearing for the

petitioner would submit that this Court may permit the petitioner to make a fresh representation to the respondents and issue direction to the respondents to consider the same and to pass appropriate orders, within a reasonable time frame.

8.The learned counsel appearing for the respondents raise no serious objection for this Court issuing such a direction.

9.In view of the above, this Court permits the petitioner to make a fresh representation to the respondents. If any such representation is made by the petitioner, the respondents shall consider the same, on merits and in accordance with law and shall pass appropriate orders, as expeditiously as possible.

10.The writ petition is accordingly disposed of. No costs.

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30.09.2020

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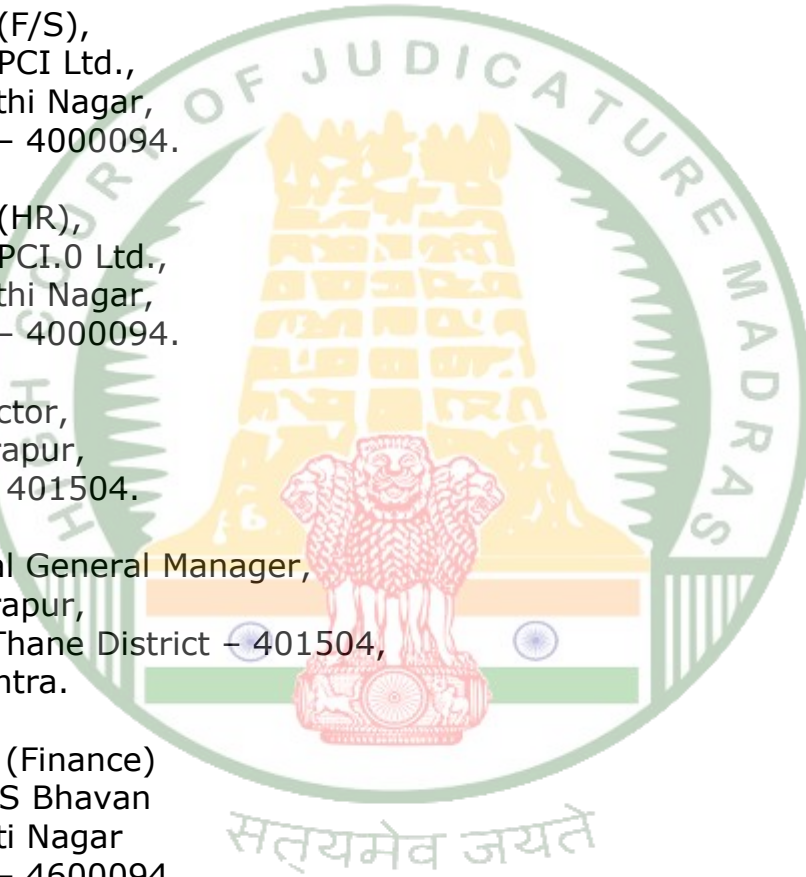
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

M.DHANDAPANI,J.

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To

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