

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.2872 of 2013

Mr.S.N.Babu

..Petitioner

..Vs..

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd,
144, Anna Salai,
Chennai.
2. The Chief Engineer, (personnel)
Tamilnadu Electricity Generation and
Distribution Corporation Ltd,
144, Anna Salai,
Chennai.
3. The Chief Engineer, Distribution,
Tamil Nadu Electricity Distribution Circle,
Coimbatore Region, Tatabad
Coimbatore.
4. The Superintending Engineer,
Nilgiris Electricity Distribution Circle,
Avin Complex,
Udhagamandalam,
Nilgris-603001.
5. The Executive Engineer,
Nilgris Electricity Distribution Circle,
Nilgris-603001.
- 6.B.Jaishankar
Foreman-G
The Assistant Engineer
Commercial Road Section
Tamil Nadu Electricity Board
Ooty, Nilgiris 643 001.

..Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Certiorarified Mandamus to call for the records of the 4th respondent relating to Ku.Aa.No.-12343-1012-Adm-2-NEDC-Udhagail- file- Seniority List- 2010 dated 12.11.2010 and quash the same and directing the respondent by refixing the seniority as well and also direct the 1 to 5 respondents to fix the petitioner as Senior than the 6th respondent and gave him all the monetary benefits from the date of promotion.

For petitioner : Ms.V.Yamuandevi
For respondents : Mr.Karthik Rajan (R1 to R5)TNEB
R6 (No appearance)

O R D E R

This Writ Petition has been filed challenging the order of the fourth respondent relating to Ku.Aa.No.-12343-1012-Adm-2-NEDC-Udhagail- file- Seniority List- 2010 dated 12.11.2010 and quash the same and direct the respondents 1 to 5 to refix the seniority and also to fix the petitioner as senior than the sixth respondent and give him all the monetary benefits from the date of promotion.

2. Brief facts of the writ petition is that the petitioner was appointed in the Tamil Nadu Electricity Board as Helper on 27.06.1996 in the respondent Board, thereafter promoted as commercial inspector on 30.03.2007 and presently working as Commercial Inspector in the office of the Assistant Executive Engineer, Rural/Ooty. According to the petitioner, options were given to the helpers for promotion on categories namely Wireman to Line Inspector (Foreman-GII) to Foreman and from Helpers to Commercial Assistant to Commercial Inspector (Foreman-GII) to Foreman G I. The petitioner has opted the second category and was promoted as in the year 2007. It is further stated that the sixth respondent who joined as a helper in the Tamil Nadu Electricity Board, Protection and Communication circle, Coimbatore in the year 1993 (26.11.1993) was promoted as wire man on 15.03.1999 and further promoted as Line Inspector (LI or Fr.Gr.II) on 30.12.2004 and he is subsequently transferred to the fourth respondent Circle. The grievance of the petitioner is that the sixth respondent, who is the junior to that of the petitioner and who had come over from Coimbatore distribution circle was promoted. In this regard, the petitioner made several representations to the respondents to refix the seniority, but the respondent has not chosen to consider the request of the petitioner till date. Therefore, the petitioner being aggrieved by the seniority has filed this Writ Petition before this Court seeking, for the aforesaid relief.

3. A Counter Affidavit has been filed by the respondents by stating that an agreement under 12(3) settlement was entered into between the Management and employees, based on said settlement, an option was given to the helpers to choose the line of promotion and the option once exercised shall be final. Accordingly, the petitioner has exercised his option on 20.02.2006 for the line promotion from wireman to Commercial Assistant (i.e.,) Commercial Assistant - Commercial Inspector Foreman I Grade. It is further stated that drawl of panels for promotion for both the lines of posts are made as per standing instructions and policy matter of the Board. It is also stated that the promotions are given regularly whenever the vacancy arises and at every periodical interval right from the year 2007. It is further stated that the sixth respondent joined the second respondent circle on transfer from P&C circle and the petitioner cannot compare with the sixth respondent, more over the P & C circle follows a separate seniority list. In paragraph 11 of the counter affidavit, it is clearly stated that the sixth respondent was transferred to his circle along with seniority on reserve vacancy, as per Board's Memorandum No.132963/7/IR1(4) Adm.Br/86-6 dated 18.01.1986 and joined in this circle on 29.12.2007. The sixth respondent, at the time of joined at Nilgiris EDC, was holding the post of Foreman II Grade and his seniority is fixed in the present circle as per his date of joining as Foreman II Grade (i.e., 30.12.2004). But the petitioner herein had joined as Commercial Inspector (Equivalent to Foreman II Grade) only on 30.03.2007. Further, the posting of staff on transfer from other circle is a policy matter governed by the rules and regulations of the Board. Therefore, the request made by the petitioner is unacceptable and the same is liable to be rejected.

4. Heard both sides. Perused the materials available on record.

5. By considering the aforesaid submissions of the parties and also on perusal of the counter affidavit filed on behalf of the respondents, as per 12(3) Settlement entered between the Management and workmen, an option was given to the helpers, to choose the line of promotion. Accordingly, both the writ petitioner as well as the sixth respondent has exercised their option for promotion, which are different categories. As clearly stated in the paragraph 11 of the counter affidavit that the sixth respondent was transferred to the present circle along with seniority on the reserve vacancy, as per Board's Memorandum No.132963/7/IR1(4) Adm. Br/86-6 dated 18.01.1986 and joined in this circle on 29.12.2007 and at the time of joint at Nilgiris EDC, the sixth respondent herein was holding the post of Foreman II Grade and his seniority is fixed in the present circle as per

his date of joining as Foreman II Grade (i.e., 30.12.2004). But the petitioner herein had joined as Commercial Inspector (Equivalent to Foreman II Grade) only on 30.03.2007. Further, the posting of staff on transfer from other circle is a policy matter governed by the Board rules and regulations. Hence, the contention of the writ petition by claiming seniority above the 6th respondent is contrary to the 12(3) settlement between the parties and decision of the Board's Regulations. Therefore, there is no merits in the writ petition and the same is deserves to be dismissed.

6. In view of the same, there is no merits in the Writ Petition. Hence, this Petition stands dismissed. No order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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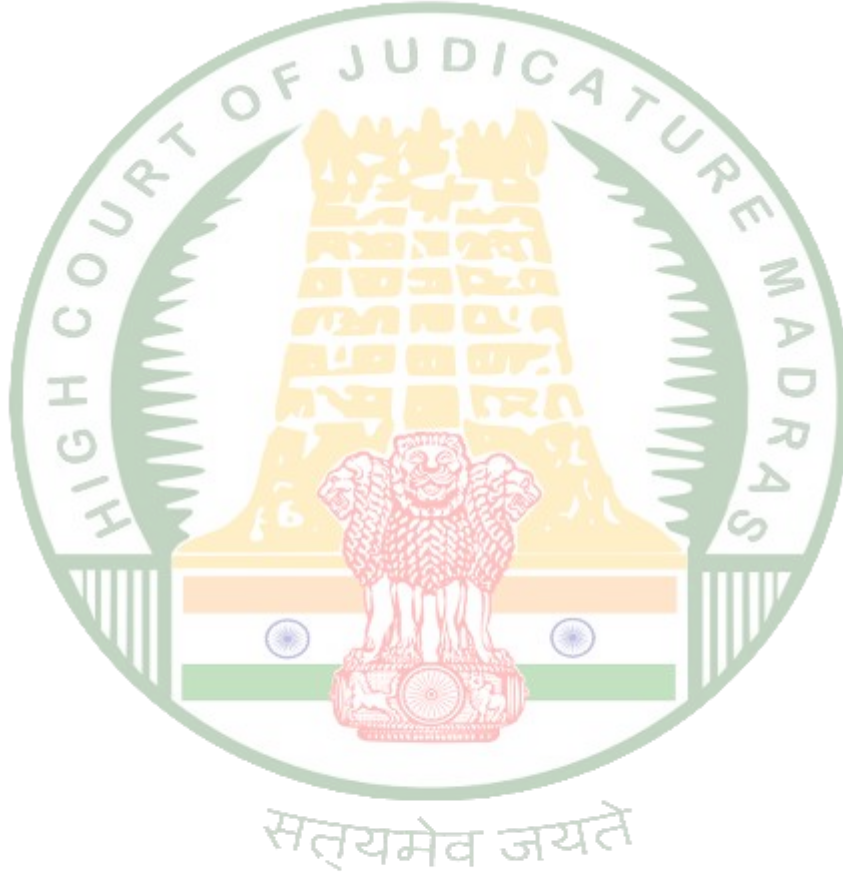
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+1 CC to Mr.N. Yamunadevi, Advocate sr 16291.
+1 CC to Mr. Karthick Rajan, Advocate sr 15904.

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RLD(CO)
SP(29/07/2020)



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