

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4391 of 2014

and

M.P.No.2 of 2014

- 1.T.V.Kalaiselvi
- 2.G.Salima Begum
- 3.A.Esumary
- 4.N.Kannan
- 5.M.Viveki
- 6.C.Kallaperumal
- 7.K.Leelavathi
- 8.A.Seleena
- 9.A.Shanthi
- 10.V.Gopalakrishnan
- 11.M.V.Shanthi
- 12.G.Vijayalakshmi
- 13.S.Susai Louisa
- 14.S.Vimala Kumari
- 15.D.Shameem
- 16.R.Lathambiga
- 17.S.Alamelu
- 18.D.Thamilhselvi
- 19.M.Gandhimathi
- 20.B.Bakiarathi
- 21.S.Thiagarajan

.. Petitioners

vs.

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

144, Anna Salai,
Chennai 600 002.

- 2.The Secretary,
Secretariat Branch, (10th floor)
Tamil Nadu Generation and Distribution
Corporation Ltd,
144, Anna Salai, Chennai 600 002.

3.The Chief Engineer, (Personnel),
Administrative Branch, 8th floor
Tamil Nadu Generation and Distribution
Corporation Ltd,
144, Anna Salai, Chennai 600 002.

4.K.Kannika Parameswari,
O/o.The Chief Engineer, (Personnel)
TANGEDCO
144, Anna Salai, Chennai 600 002.

5.N.Nirmala Devi,
O/o.The Chief Engineer, (Personnel)
TANGEDCO
144, Anna Salai, Chennai 600 002.

6.D.Rangarajan,
O/o.The Chief Engineer, (Personnel)
TANGEDCO
144, Anna Salai, Chennai 600 002.

7.K.Kalaichelvi,
O/o.The Chief Engineer, (Personnel)
TANGEDCO
144, Anna Salai, Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus call for the records pertaining to the Seniority list published in Memo No.086632/G-21/G-213/2008-2 dated 27.01.2010 passed by the 3rd respondent and quash the same and consequently direct the respondents to re-fix the seniority of the petitioners in the post of Assistants over and above the names of the respondent 4 to 7.

For Petitioners : M/S.A.John Britto

For Respondents : Mr.Karthik Rajan for RR1 to 3
: M/S.C.Sathivel for RR4 to 7

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ORDER

This writ petition is filed by the petitioners herein, challenging the order issued by the 3rd respondent's Memorandum dated 21.01.2010 and for quashing the same and to consequently direct the respondent to re-fix the seniority of the petitioners in the post of Assistant over and above the names of the

respondents 4 to 7.

2.The case of the petitioners is that the petitioners joined in Tamil Nadu Electricity Board under the respondents office in the Administrative Branch, Head Quarters as Junior Assistant /Typist of Administrative Branch /Head Quarters between 05.06.1997 to 18.06.1997. While so, the respondent Board based on its Rules and Regulation fixed the seniority of the staffs working in the Administrative Branch of Head Quarters till 01.08.2003. Thereafter, the respondent Board has transferred the respondents 4 to 7, from some other units to Headquarters, however in the seniority list, they were placed above the petitioners. Aggrieved by the same, the petitioners made repeated representations, however till date no action is forthcoming and, challenging the above placement, the present writ petition has been filed by the petitioners.

3.Learned counsel appearing for the petitioners, submitted that as per the Regulation 105, Annexure 4 Clause 6.4.6./Note (6), a probationer or approved probationer in the categories of Junior Assistant, Typist including Steno Typist and Assessor in the offices other than the Board Office Secretariat and Audit Branches may be transferred from one unit to another at the request of the employees. In case of such request transfers, the transferred employees shall forgo their right to seniority on the basis of the date of their first appointment and each of them takes his rank last in the list of probationers or approved probationer's. In the present case, the petitioners are registered employees in the Head quarters, the respondents 4 to 7 were transferred from some other units to Head quarters, therefore they have to be placed below the petitioners. Contrary to the above regulations, they have been placed above the petitioners, which is impermissible. Accordingly he prays for allowing the petition.

4.On the above contention, this Court heard learned standing counsel appearing for the official respondents, who referred to the counter affidavit filed on behalf of the 3rd respondent and submitted that admittedly respondents 4 to 7 were appointed as Junior Assistants on 18.03.1996, 11.10.1995, 19.10.1995 and 4.3.1996 respectively and completed their probation on 17.09.1996, 09.04.1996, 17.04.1996 and 2.9.1996 respectively and thereafter joined the Administrative Branch on 23.06.1997, 2.7.1997, 1.8.1997 and 3.10.1997 respectively whereas the initial appointments of the petitioners were on 6.6.1997 and they had completed their probation only on 5.12.1997. The respondents 4 to 7 were transferred to the Head quarters Board as approved probationers, whereas the petitioners

served as probationers, hence the respondents 4 to 7 are in different category and the petitioners category is completely different one. In such a background, the respondents 4 to 7 have been fixed as seniors. Hence the action done by TANGEDCO in Memorandum dated 27.01.2010 is only as per the regulations which does not warrant any interference by this Court. Accordingly he prays for dismissal of the present petition.

5. It is not disputed, and it cannot be disputed, and it is not the case of the petitioners that the respondents 4 to 7 have not completed the probation. However they have already completed their probation when joining the Head Quarters/Administrative Branch. Further, even the records reveal, which is not disputed that the petitioners were still under probation on the date when respondents 4 to 7 were transferred and joined at the office in which the petitioners were working. In such a backdrop, it cannot be said that the respondents 4 to 7 are juniors to the petitioners and that as per Regulation 105 Annexure 4 Note 6, the petitioners are to be placed above respondents 4 to 7. In view of the said fact, the fixation of seniority of respondents 4 to 7 cannot be said to be unsustainable as it is done within the framework of the Regulations. Therefore, the prayer as made by the petitioners cannot be acceded to and it is liable to be rejected.

6. For the reason aforesaid, this Writ Petition is dismissed. In the said circumstance, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs

To

1. The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd,
144, Anna Salai,
Chennai 600 002.

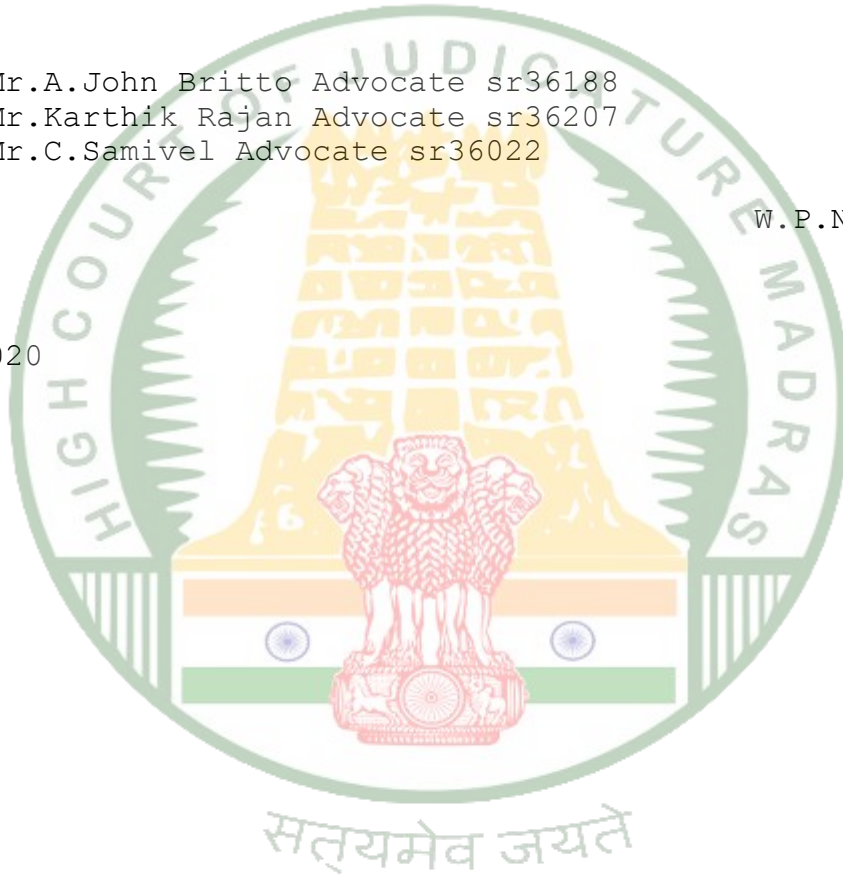
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144, Anna Salai, Chennai 600 002.

+1 cc to Mr.A.John Britto Advocate sr36188
+1 cc to Mr.Karthik Rajan Advocate sr36207
+1 cc to Mr.C.Samivel Advocate sr36022

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