

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19883 of 2014

R.Varudharajan

...Petitioner

Vs.

The Superintending Engineer,
Namakkal Electricity Distribution Circle,
TANGEDCO, Namakkal.

...Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in Proceeding No. Ku. Aa. No. / S.E.N. /Adm. II / Ni2/Koo. Pathavimatram /2014 dated 14.07.2014 on the file of the respondent herein and quash the same.

For Petitioner : Mr.B.Manoharan

For Respondent : Mr.Karthik Rajan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records in Proceeding No. Ku. Aa. No. / S.E.N. /Adm. II / Ni2/Koo. Pathavimatram /2014, dated 14.07.2014, on the file of the respondent and to quash the same.

2.The case of the petitioner is that the petitioner joined the respondent Board as a Contract Labour in the year 1986 at Sandamangalam. Thereafter, the petitioner's service was regularized and he joined as Helper on 31.12.1996. The petitioner was promoted as Commercial Assistant during the year 2002 and was further promoted as Commercial Inspector during the year 2008 and was further promoted as Foreman Grade I. Whiles, without any notice, the respondent passed the impugned order. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that when the petitioner was working in Mettur Circle during the year 2006, he exercised the option for the line of

promotion from Commercial Assistant to Wireman - Line Inspector - Foreman Grade I, however, by virtue of bifurcation of Circle, the petitioner was transferred and posted in the Namakkal Circle and was given further promotions. Hence, the impugned order passed by the respondent after nearly eight years, that too without any notice, is un-sustainable one. He would further submit that during the pendency of the writ petition, the petitioner attained the age of superannuation and would further submit that the petitioner's terminal benefits have not yet been settled. Accordingly, he prayed for allowing the writ petition.

4.The learned Standing Counsel appearing for the respondent would submit that initially, the petitioner was appointed as Helper in the Mettur Electricity Distribution Circle during the year 1996 and was promoted as Commercial Assistant during the year 2002. As per the settlement under Section 12 (3) of the I.D.Act between TNEB and its Workmen Unions during the year 2005, the existing employees were given opportunity to choose the line of promotion as Commercial Assistant - Commercial Inspector - Foreman or Wireman - Line Inspector - Foreman based on their seniority to the category of Helper and the option once exercised shall be final.

5.The learned Standing Counsel appearing for the respondent would further submit that the petitioner exercised his option during the year 2006 for the line of promotion from Commercial Assistant to Wireman - Line Inspector - Foreman Grade I. However, by virtue of bifurcation, the petitioner was posted in the Namakkal Circle and without knowing the option exercised by him, he was given further promotions. Hence, the respondent has rightly passed the impugned order. Accordingly, he prayed for dismissal of the writ petition.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not disputed. The petitioner while he was working in Mettur Circle during the year 2006, has exercised the option for the line of promotion from Commercial Assistant to Wireman - Line Inspector - Foreman Grade I, however, by virtue of bifurcation of Circle, the petitioner was transferred and posted in the Namakkal Circle and was given further promotions in commercial wing. Hence, the impugned order passed by the respondent after nearly eight years, in the considered opinion of this Court is un-sustainable one and this Court is inclined to set aside the impugned order.

8.Further, it appears that during the pendency of the writ petition, the petitioner has retired from service. Hence, this

Court is not inclined to remand the matter back to the respondent as it will not serve any useful purpose.

9.The writ petition is allowed. Since the impugned order was given to the petitioner belatedly, for violation of principles of natural justice, the impugned order dated 14.07.2014 is set aside. The respondent is directed to settle the benefits due to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

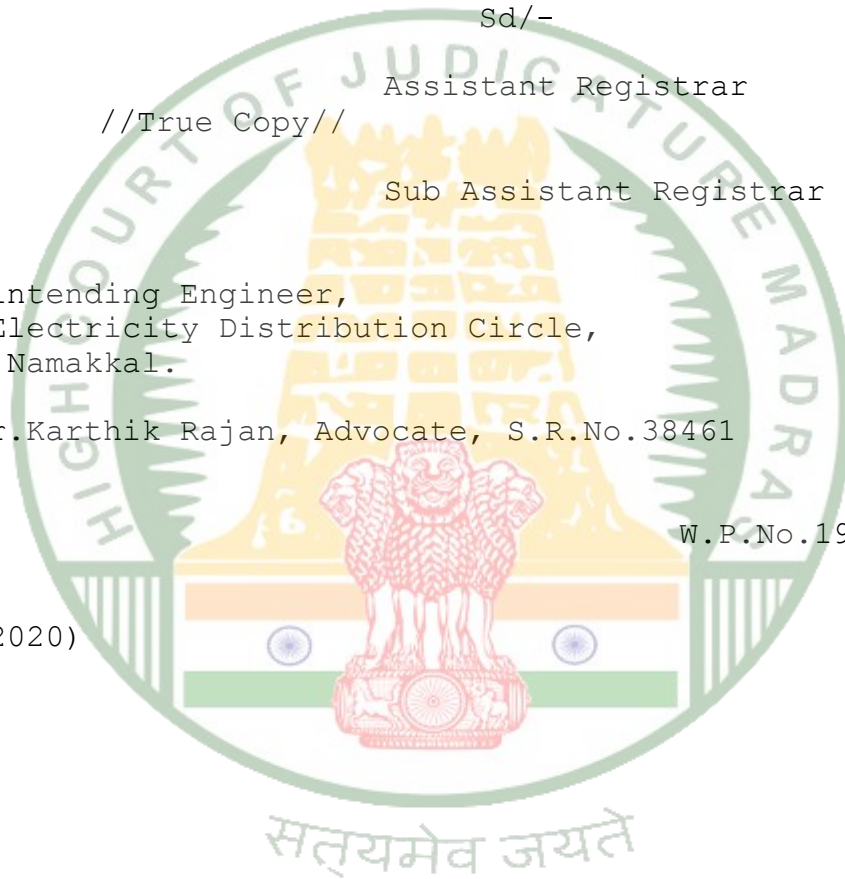
To

The Superintending Engineer,
Namakkal Electricity Distribution Circle,
TANGEDCO, Namakkal.

+1cc to Mr.Karthik Rajan, Advocate, S.R.No.38461

W.P.No.19883 of 2014

PPA (CO)
RV(18/12/2020)



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