

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.35913 of 2019

M.Ramagoundan

... Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
Board Office, Secretariat Branch,
800 Annasalai,
Chennai.
2. The Superintending Engineer,
TANGEDCO,
Tamil Nadu Electricity Distribution Circle,
South Distribution,
Tatapath,
Coimbatore District.
3. The Assistant Engineer,
TANGEDCO,
110/KV, Sub-power station,
Thekkalur

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue notional promotion to the petitioner w.e.f 12.04.2011 and to refix pay scale to the post of Special Grade Foreman with all attended service monetary benefit up to 29.05.2019 on the date of superannuation and consequently direct the respondents to issue a revised pension in accordance with law. सत्यमेव जयते

For Petitioner

: Mr.G.Jermiah

For Respondents

: Mr.Karthik Rajan

Senior Standing Counsel for TASMAL

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O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to give notional promotion to the petitioner with effect from 12.04.2011 and to re-fix his pay scale with all attendant benefits up to the date of superannuation of the petitioner and consequently to revise the pension.

2. The case of the petitioner is that he was appointed as a Wireman in the year 1989 and thereafter, he was promoted as 1st Grade Line Inspector in the year 2003. The name of the petitioner was also found in the seniority list, which was prepared in the year 2010. Even in the promotion panel that was prepared, the name of the petitioner appeared in Sl.No.11. The petitioner was issued with the charge memo in the year 2011 on the ground of accepting money for granting a electricity connection. The petitioner gave his explanation and the Enquiry Officer was also appointed. A report was also submitted and ultimately, the charges were dropped in the year 2014. During this period of time, the petitioner claims that his juniors were promoted as Foreman 1st Grade. The petitioner was not considered for promotion in view of the disciplinary proceedings. The petitioner had made a representation from the year 2014 onwards to consider his seniority and grant him promotion with all attendant benefits. There was no response for the representations that were made by the petitioner and ultimately, the petitioner attained superannuation on 29.05.2019.

3. The grievance of the petitioner is that in view of the disciplinary proceedings initiated against the petitioner being dropped, the petitioner is entitled for a notional promotion with all attendant benefits and for revision of his pension. Since the request made by the petitioner even while he was in service was not considered, after his retirement, he has knocked the doors of this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the petitioner to make a fresh representation to the 2nd respondent seeking for the notional promotion with all attendant benefits and the consequential revision in pension. The 2nd respondent on receipt of the representation shall consider the same, strictly

in accordance with the Rules and the Circulars governing Tamil Nadu Electricity Board and pass appropriate orders within a period of six weeks from the date of receipt of representation from the petitioner. The petitioner shall also provide the 2nd respondent with a copy of this order along with a representation.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(Insp cell)

//True Copy//
Sub Assistant Registrar

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To

1. The Tamil Nadu Electricity Board,
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Board Office, Secretariat Branch,
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Chennai.
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South Distribution,
Tatapath,
Coimbatore District.
3. The Assistant Engineer,
TANGEDCO,
110/KV, Sub-power station,
Thekkalur

+lcc to Mr.G.Jermiah Advocate sr591

+lcc to Mr.Karthik Rajan Advocate sr619

W.P.No.35913 of 2019

rr(co)
aa11/02/2020