



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.10.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

**W.P. (MD)No.5075 of 2012**

**and**

**M.P. (MD)Nos.2 and 3 of 2012**

P.Irulappan

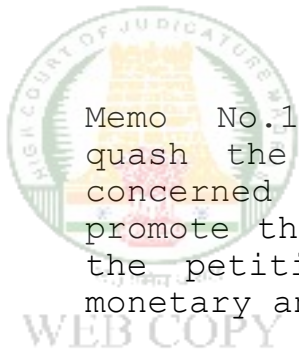
... Petitioner

Vs.

- 1.The Chairman,  
Tamil Nadu Electricity Board,  
No.800, Anna Salai,  
Chennai-600 002.
- 2.The Chief Engineer(Personnel),  
Tamil Nadu Electricity Board,  
No.800, Anna Salai,  
Chennai 600 002.
- 3.The Superintending Engineer,  
Office of the Superintending Engineer,  
Theni Electricity Distribution Circle,  
Theni, Theni District.
- 4.P.Mariappan,  
Line Inspector,  
now promoted as Foreman-I Grade,  
Tamilnadu Electricity Board,  
Chinnamanur Division,  
Gudalore, Theni Circle, Theni District.
5. S.Palanichamy,  
Line Inspector,  
now promoted as Foreman-I Grade,  
Tamilnadu Electricity Board,  
Kamatchipuram,  
Chinnamanur Division,  
Theni Circle, Theni District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent in



Memo No.1606/A.Ad.O/Adm.II/A1/F.FM/2010-2, dated 26.12.2011 and quash the same insofar as the respondents 4 and 5 herein are concerned and consequently direct the respondents 1 to 3 herein to promote the petitioner as Foreman-I Grade placing the seniority of the petitioner above the respondents 4 and 5 herein with all monetary and service benefits.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.T.Sakthikumaran  
for R.1 to R.3

**ORDER**

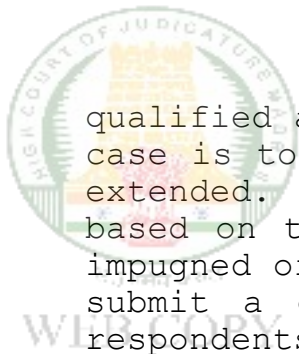
The promotion orders of the respondents 4 and 5 are under challenge. The grievance of the writ petitioner is that he was appointed as a Helper and by virtue of long services, he is entitled for promotion to the post of Foreman-I Grade. Though the petitioner is fully eligible for promotion, without considering his case, the respondents 4 and 5 had been promoted to the post of Foreman-I Grade. Thus the petitioner is constrained to move the present writ petition.

2. Learned Counsel appearing on behalf of the writ petitioner states that the temporary promotions are granted in violation of rules and the case of the writ petitioner was not considered without any valid reason.

3. Learned Counsel appearing on behalf of the respondents 1 to 3 disputed the said contention by stating that as on the crucial date, the petitioner was not found eligible and therefore, the names of other persons were considered. Thus there is no irregularity in the matter of grant of promotion.

4. The impugned order dated 26.12.2011 states that the promotions are granted temporarily as Foreman-I Grade. The impugned order further reveals that the promotion orders will be issued subject to the outcome of the writ petition No.721 of 2011, since the main case is pending before the Honourable High Court, Madras. It is clarified that the promotees will not thereafter be entitled to claim any promotion as Foreman-I Grade as a matter of right.

5. Reading of the impugned order, it is unambiguous that the temporary promotions were granted subject to the result of the writ petition filed in W.P.No.721 of 2011. Further it is stated that the promotees cannot claim any right over the promotion. This being the factum, this Court is of the considered view that the respondents 1 to 3 are bound to consider the case of the writ petitioner based on the order passed in W.P.No.721 of 2011 and grant regular promotions by following the rules in force. If the petitioner is fully



qualified and come within the purview of the consideration, then his case is to be considered even notionally and all benefits are to be extended. Such exercise is to be done by the respondents 1 to 3 based on the subsequent developments occurred after passing of the impugned order. In this regard, the petitioner is also permitted to submit a detailed representation along with the documents. The respondents 1 to 3 are directed to reconsider the entire issue based on the subsequent developments, take a decision and pass appropriate order as expeditiously as possible.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Chairman,  
Tamil Nadu Electricity Board,  
No.800, Anna Salai,  
Chennai-600 002.

2.The Chief Engineer(Personnel),  
Tamil Nadu Electricity Board,  
No.800, Anna Salai,  
Chennai 600 002.

3.The Superintending Engineer,  
Office of the Superintending Engineer,  
Theni Electricity Distribution Circle,  
Theni, Theni District.

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate ( SR-19491[F] dated  
08/10/2020 )

**W.P. (MD)No.5075 of 2012**  
**08.10.2020**

SSL

SDS (14.10.2020) 3P-5C