



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9621 of 2020 and
WMP (MD)No.8657 & 8660 of 2020

M.Malathi

Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Tirunelveli Electricity Distribution Circle,
Maharaja Nagar,
Tirunelveli - 627 011.
Tirunelveli District.

2.The Executive Engineer,
Tamil Nadu Transmission Corporation Operation,
230 KV Substation, Kayathar,
Tuticorin District.

3.The Assistant Executive Engineer,
Tamil Nadu Transmission Corporation Operation,
230 KV Substation, Kayathar,
Tuticorin District.

Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Memo.No. 013312/1116/Adm.II/A.1/F.WM/2020 dated 15.07.2020 on the file of the respondent No.1 in so far not selecting the petitioner is concerned and quash the same as illegal and consequently for a direction, directing the respondent No.1 to promote the petitioner to the post of wireman within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.T.Sakthikumaran
Standing Counsel

ORDER

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the
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impugned order in Memo.No.013312/1116/Adm.II/A.1/F.WM/2020 dated 15.07.2020 of the first respondent in so far the non-selection of the petitioner is concerned and quash the same and consequently directing the respondent No.1 to promote the petitioner to the post of wireman within the time period stipulated by this Court.

WEB COPY 2. The short facts required to be noticed for disposal of the Writ Petition are as follows.

The petitioner has been working as Field Assistant at the respondent TANGEDCO. The post of Field Assistant is the feeder category for the next higher category namely Wireman. When that being so, by the impugned proceedings dated 15.07.2020, the respondent has issued a temporary panel prepared fit for promotion to the post of Wireman, where there are two annexures. In Annexure I, the candidates, who have been selected for the post of Wireman has been given and in Annexure II, the candidates who have not been selected for the post of Wireman has also been given. In this context, since the name of the petitioner is found place in Sl.No.17 in Annexure II i.e. who have not been selected for the post of Wireman. Aggrieved over the same, the present Writ Petition has been filed challenging the said proceedings dated 15.07.2020.

3..Mr.T.Aswin Rajasimman, learned counsel for the petitioner would submit that, Field Assistant is the feeder category post and on the basis of interse seniority among the Field Assistants, panel has to be prepared. When that being the position, now through the impugned proceedings, the respondents stated that, the petitioner and the other people shown in Annexure II, have not been selected for the post of wireman. No reason whatsoever has been adduced and before taking a decision not to select the petitioner, no notice has been given.

4.In this regard, the petitioner's counsel would submit that, the petitioner has given an objection on 27.07.2020 against the impugned proceedings before the respondent authorities and even the said objection seems to have not been considered so far. Therefore, having no other option, the present Writ Petition has been filed for the aforesaid prayer.

5.However, Mr.T.Sakthikumaran, learned Standing Counsel for TANGEDCO, on instructions, would submit that, no doubt, the petitioner is working as Field Assistant, which is feeder category for the next higher category namely Wireman. Mainly, the seniority would be the criteria in the feeder category to be considered for the post of Wireman that is the next higher category, merits would also be taken into account. He would further submit that, insofar as the candidature of the petitioner is concerned, even though she is working as Field Assistant and would be eligible to consider for promotion to the post of Wireman/Wirewomen, normally any female



Wirewomen as the job nature of wireman would be to climb the polls/light posts and therefore, that kind of hard work normally would be expected from the male candidates. Therefore, the learned standing counsel would submit that, only for the said explicit reason, the candidature of the petitioner could not be included in the panel. Anyhow, since the petitioner has given objection on 27.07.2020, the same will be considered objectively, accordingly a decision will be taken.

6. In this regard, when a specific question was asked to the learned counsel for the respondent that, if at all due to the job nature of wirewomen, where normally female candidates would not be posted, in this case, if the petitioner has become eligible to be considered for the post of higher category, which is none other than the wirewomen, if TANGEDCO would consider the candidature of the petitioner for any other alternate higher category for the purpose of promotion, the learned counsel appearing for the respondent fairly submitted that, that chance also would be explored while considering the objection of the petitioner dated 27.07.2020 and in that case, alternate choice if possible, that would be given to the petitioner.

7. I have considered the submissions made by the learned counsel for the parties.

8. Since the learned Standing counsel appearing the respondents has made the aforesaid submissions that, the objection given by the petitioner dated 27.07.2020 would be considered objectively, where the respondent TANGEDCO would also explore the possibility of identifying any alternative promotional avenue to the petitioner, being a woman, instead of posting her as Wirewomen, this Court, by taking note of the said fact and submission made by the learned standing counsel, is inclined to issue the following order:

"The respondents are hereby directed to consider the objection raised by the petitioner dated 27.07.2020 and since the copy of the same has not been filed in the typed set of papers, copy of the same shall be annexed by the petitioner along with the copy of this order to the respondents and on receipt of the same, the respondents shall consider the said objection, while making the consideration as indicated above, the respondents shall explore the possibility of identifying the alternative promotional avenue to the petitioner being a woman from the category of Field Assistant to any other category, if not the wireman/wirewomen. The aforesaid exercise shall be undertaken by the respondents within a period of six weeks from the date of receipt of a copy of this order.



9. With this direction, the Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn/arul

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintending Engineer,
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Tirunelveli - 627 011.
Tirunelveli District.

2.The Executive Engineer,
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230 KV Substation, Kayathar,Tuticorin District.

3.The Assistant Executive Engineer,
Tamil Nadu Transmission Corporation Operation,
230 KV Substation, Kayathar,Tuticorin District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-14490[F] dated 20/08/2020)

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-14554[F] dated 20/08/2020)

Order made in

W.P. (MD)No.9621 of 2020 and

WMP (MD)No.8657 & 8660 of 2020

19.08.2020