



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9675 of 2020

D.Syria Pushpam Sinnarani

...Petitioner

-Vs-

1.The Chairman Cum Managing Director,
TANGEDCO,
No.144-Anna Salai,
Chennai-600 002.

2.The Chief Engineer/Personnel,
TANGEDCO, Administrative Branch,
No.144-Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO,
Tirunelveli-627 011.

4.The Superintending Engineer,
Generation Circle,
TANGEDCO,
Tirunelveli-627 011.

5.The Executive Engineer,
Power Houses, Kodayar,
TANGEDCO,
Kodayar Lower Camp,
Kanyakumari District.

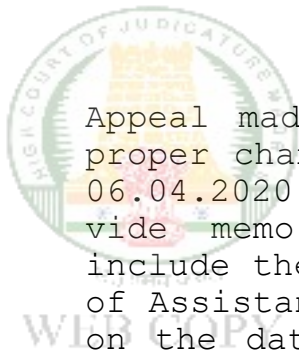
...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to dispose of the Appeal made by the petitioner before the first respondent through proper channel vide the office of the fifth respondent herein dated 06.04.2020 against the proceedings passed by the second respondent vide memo No.093166/375/G.1/G.1(1)/2019-32 dated 15.02.2020 and include the petitioner's name in the panel for promotion to the post of Assistant Executive engineer/Electrical with retrospective effect on the date on which her batch mates were promoted within a time frame fixed by this Court.

For Petitioner : Mr.B.Brijesh Kishore
For Respondents : Mr.T.Sakthikumaran,
Standing Counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent herein to dispose of the



Appeal made by the petitioner before the first respondent through proper channel vide the office of the fifth respondent herein dated 06.04.2020 against the proceedings passed by the second respondent vide memo No.093166/375/G.1/G.1(1)/2019-32 dated 15.02.2020 and include the petitioner's name in the panel for promotion to the post of Assistant Executive Engineer/Electrical with retrospective effect on the date on which her batch mates were promoted within a time frame fixed by this Court.

2. Heard Mr.B.Brijesh Kishore, learned counsel appearing for the petitioner and Mr.T.Sakthikumaran, learned Standing Counsel appearing for the respondents.

3. The petitioner has been working as Junior Engineer under the fifth respondent office with Junior Engineer Grade-I category. Her next avenue for promotion is Assistant Executive Engineer, for which, the petitioner otherwise is eligible to be included in the panel for promotion.

4. However, in the meanwhile, there has been a disciplinary proceedings against the petitioner, which ended in punishment dated 28.03.2016, whereby, a punishment of stoppage of increments for two years with cumulative effect has been inflicted on the petitioner.

5. Aggrieved over the said punishment imposed against the petitioner, she filed a writ petition before this Court in W.P(MD) No.8676 of 2016, where, this Court by interim order dated 28.04.2016 has passed an order of conditional stay, where, the impugned punishment was stayed on condition that the petitioner shall pay a sum of Rs.31,300/-, which was the alleged loss sustained to the TANGEDCO against which, disciplinary proceedings were initiated, it ended into punishment as stated above. Pursuant to the said interim order passed by this Court, the petitioner has paid the said amount. However, in the panel issued consisting of Junior Engineer Electrical Grade-I for the purpose of promotion for the post of next higher cadre of Assistant Executive Engineer, dated 15.02.2020, the name of the petitioner has not been included and her name has been deferred due to the pendency of the writ petition pertaining to the punishment awarded against him.

6. As against the said panel, dated 15.02.2020, where the petitioner's name has been deferred without including her name, fit for promotion, the petitioner has filed an appeal before the first respondent on 06.04.2020 through proper channel and the said appeal is pending before the first respondent. Therefore, at this juncture, now the grievance of the petitioner is that, unless the appeal is disposed of one way or other, on merits, taking into consideration of the facts as stated supra, the petitioner's chance of getting promotion by including her name in the panel fit for promotion will be bleak.

<https://hcservices.ecourts.gov.in/hcservices>, the learned counsel appearing for the petitioner



would submit that, there may be a direction to the respondents, especially, the first respondent to decide the appeal of the petitioner, dated 06.04.2020, within a time frame to be stipulated by this Court.

8. The learned Standing Counsel appearing for the respondents would submit that, the said appeal dated 06.04.2020 would be decided on merits and in accordance with law by the first respondent, before whom the appeal is pending, within a time frame to be stipulated by this Court.

9. Considering the said submissions made by both sides and having regard to the aforesaid factual matrix, this Court is inclined to dispose of this writ petition, with the following direction:

"that the first respondent is hereby directed to decide the appeal, dated 06.04.2020 filed by the petitioner against the non-inclusion of her name in the panel of Junior Engineer for the purpose of promotion of Assistant Executive Engineer and accordingly, pass orders on the said appeal, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order."

10. With this direction, the Writ Petition is disposed of. No costs.

Am

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

(i) 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.

+1 CC to M/s.B. BRIJESH KISHORE, Advocate (SR-14564[F] dated 20/08/2020)

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-14714[F] dated 21/08/2020)

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20.08.2020

SJ(CO)

KB(07.10.2020) 3P 3C

<https://hcservices.ecourts.gov.in/hcservices/>