



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1160 of 2015

S.Amarnath

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
 2. The Chief Engineer, Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
 3. The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu General and Distribution Corporation Ltd.,
Vellore.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to accommodate the petitioner in a suitable post as per the petitioner's educational qualification.

For Petitioner : Mr.G.Anandakumar

For Respondents : Mr.Karthik Rajan for TNEB

ORDER

The prayer made in this writ petition is to direct the respondents to accommodate the petitioner to any suitable post as per his educational qualification.

2. According to the petitioner, he was absorbed as part time conservancy worker in the regular time scale of pay by an order dated 30.09.2011 passed by the third respondent, with effect from 15.10.2015. He possessed the qualification of MBA and certificate of Diploma in Computer Technology, besides having technical qualification in Typewriting. Though the respondent Corporation issued orders in the year 1997 for



creation of new category in Class IV, Division II RWE cadre to the designated part time conservative workers for permanent absorption of the then existing part time sweepers / Scavengers. However, they took a policy decision not to engage regular part time conservancy workers in those places like section offices that the area is meager and in those places the system of employing contingent conservancy worker is adequate.

3. It is the grievance of the petitioner that though he had completed 9 years of service in the post of part time sweeper, he was not appointed on permanent basis, till date. While so, the second respondent circulated a letter dated 27.02.2013 to all the Superintending Engineers and Chief Engineers requesting them to call for applications from the qualified employees in various category of RWE, Record Clerk and Office Helpers who possess the minimum general educational qualification i.e., SSLC/Matriculation or equivalent qualification and above for internal selection and appointment to the post of Assessor Grade II. On coming to know the same, the petitioner made a representation dated 18.09.2013 to the second respondent, requesting to grant him suitable post, according to his educational qualification which was not considered. Hence, he made another representation dated 04.06.2014 to the first respondent. Finding no response on the same, the petitioner has no other option except to file this writ petition for the aforesaid relief.

4. Upon notice, the respondent Corporation filed a detailed counter affidavit, wherein, it is inter alia stated that the petitioner was absorbed as part time conservancy worker and is now working in the TANGEDCO as part time conservancy worker under the time scale of pay as per the order of the Supreme Court dated 26.10.2010 passed in CA.No.9438/2010 (arising out of SLP (C)no.10611/2008). It is further stated therein that regarding appointment to any permanent post, as per regulation 94 (Annexure -III) of TNEB Service Regulations, the method of recruitment is direct recruitment or appointment by internal selection and qualification for any post is given in detail; and there is no provision to consider the part time conservancy workers to any other post though they possessed adequate qualification and hence, the prayer of the petitioner is not feasible in the said circumstances. It is also submitted that the TANGEDCO is taking immediate steps to fill up the posts by inviting applications from all eligible persons along with names sponsored by the Employment Exchange by advertising in newspapers and other media to enable all the eligible persons to participate in the said process.

5. Heard both sides and perused the materials placed before this Court.



6. In this writ petition, the petitioner sought a direction to the respondent Corporation to accommodate him in a suitable post considering his educational qualification. The same was resisted by the respondent Corporation stating that there is no provision to consider the part time conservancy workers to any other post, though they possessed adequate qualification.

7. This Court is of the view that appointment has to be made strictly in accordance with the rules and regulations prescribed in the statute followed by the concerned Department and hence, the prayer made by the petitioner cannot be directly granted to the petitioner. However, he can be directed to submit his application, as and when vacancy arises and a notification calling for applications to the vacant posts, is issued by the respondent Corporation.

8. With the aforesaid observations, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc

To

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No.144, Anna Salai, Chennai - 2.
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Vellore.

+1cc to Mr.M. Fakkir Mohideen, Advocate, S.R.No.7984

W.P.No.1160 of 2015

RK(CO)
CT(16/07/2021)