



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.12138 of 2015

K.Narasimhan

... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Ltd.,
Rep. by its Chairman,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer [Personnel],
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to include the name of the petitioner in the appropriate place, in the selected list of panel for promotion to the post of Assistant Accounts Officer, from the post of Accounts Supervisor for the year 2013 - 2014, vide Per CMD TANGEDCO Proceedings No.30, dated 18.02.2015, by fixing the crucial date as 25.03.2014 as per service regulation 98(1)(b) and consequently promote the petitioner as Assistant Accounts Officer on the basis of representation dated 24.07.2014 and 12.03.2015.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.Karthik Rajan
Standing Counsel for TNEB

ORDER

This writ petition has been filed for a direction to include the name of the petitioner in the appropriate place in the selected list of panel for promotion to the post of Assistant Accounts Officer, from the post of Accounts Supervisor for the year 2013 - 2014, by fixing the crucial date as 25.03.2014 as per service regulation 98(1)(b) and consequently promote the petitioner as Assistant Accounts Officer, on the basis of his representations dated 24.07.2014 and 12.03.2015.



2.It is the case of the petitioner that initially, he was appointed as Junior Assistant on 16.10.1995. Subsequently, he was promoted as Assistant on 18.08.1997. Thereafter, considering his qualification, he was further promoted as Accounts Supervisor on 05.01.2007 as per Board Service Regulation 96(1) (b). His next avenue of promotion is Assistant Accounts Officer. While so, by letter dated 25.06.2014, the second respondent called for suitability among the qualified candidates for the year 2013-2014, for promotion to the post of Assistant Accounts Officer by fixing crucial date as 25.03.2013. Though the petitioner is a Senior most in the seniority list of Accounts Supervisor, because of fixing the crucial date as 25.03.2013, which is contrary to Regulation 98(1)(b), his name could not be forwarded and nearly 56 candidates who were juniors to him, would be marched over in the promotion. Therefore, he sent a representation dated 24.07.2014 to the first respondent to fix the crucial date for promotion to the post of Assistant Accounts Officer as 25.03.2014 and include his name in the panel. Without considering the same, the respondents published the panel for promotion to the post in question by proceedings No.30 dated 18.02.2015. Consequently, by letter dated 21.02.2015, the second respondent selected and promoted 102 Accounts Supervisors as Assistant Accounts Officers. Therefore, he made another representation dated 12.03.2015 to the second respondent to include his name in the promotional panel, which was not considered. Again, the second respondent selected and promoted 17 Accounts Supervisors as Assistant Accounts Officers. Stating that non-inclusion of his name in the panel for promotion by the second respondent is illegal, arbitrary and unreasonable, the petitioner has preferred this writ petition for the aforesaid relief.

3.Upon notice, the respondents filed a detailed counter affidavit, wherein, it is inter alia stated that the petitioner has passed the prescribed qualification of B.Com degree in August 2013 and Accountancy Higher test in February 2014 and hence, he is eligible for promotion to the post of Assistant Accounts officer only on the crucial date of 25.03.2014, whereas his juniors were qualified on the crucial date viz., 25.03.2013. It is also stated therein that Regulation 98(1)(b) of the TNEB Service Regulations provides that 'promotion in all cases shall be made on the grounds of merits and ability, seniority being considered whose merits and ability are approximately equal' and the said regulation does not speak about the procedure for preparation of panel; and hence, the contention of the petitioner that panel for promotion to the post in question has been prepared contrary to the said regulation, deserves no merits and acceptance.



4. The averments so made in the counter affidavit have been stoutly denied by the learned counsel for the petitioner. He further submitted that it would suffice, if the representations of the petitioner are directed to be considered by the respondents, on merits, within a time frame to be stipulated by this Court.

5. The learned counsel appearing for the respondents has no serious objection for granting such relief to the petitioner.

6. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents to consider the representations of the petitioner dated 24.07.2014 and 12.03.2015 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

vrc

To

1. The Chairman, Tamil Nadu Generation and Distribution Corporation Ltd., No.144, Anna Salai, Chennai - 600 002.

2. The Chief Engineer [Personnel],
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.

+1cc to Mr.S.N.Ravichandran, Advocate SR.No.15127

+1cc to Mr.Karthik Rajan, Advocate SR.No.15228

W.P.No.12138 of 2015

CP (CO)
GMY (22/07/2021)