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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.18012 of 2008

&

M.P.Nos.2 & 3 of 2008

Tamil Nadu Electricity Board
Engineers Sangam
(Regd No.124/MDS (Recognised))
44, Ramasamy Garden Street
Royapettah
Chennai-600 014

... Petitioner

Vs.

- 1.Taminadu Electricity Board
rep by its Chairman
800, Electricity Avenue
Anna Salai,
Chennai-600 002
- 2.Chief Engineer (Personnel)
Tamil Nadu Electricity Board
800, Electricity Avenue
Anna Salai,
Chennai-600 002

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the respondents in connection with the proceedings viz. Per B.P(FB) No.46 dated 07.09.2007 and quash the same and direct the respondents herein to promote the Junior Engineers Gr. II to the post of Junior Engineers Gr.I on the basis of the ration of 2:3 (Assistant Engineers-Electrical: Junior Engineers Gr.I-Electrical) in Distribution Sections and in the ratio of 2:2:1 in other areas and direct the 1st respondent Board not to



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directly recruit Assistant Engineers (Electrical) any further without first restoring the aforesaid ratio

For Petitioner : No Appearance

For Respondents : Mr.P.Subramanian
Standing Counsel

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O R D E R

Learned counsel for the 2nd respondent has filed an additional counter dated 12.07.2021, where in it is stated as follows:

"...

5. I respectfully submit that the selection list of 300 candidates to the post of Assistant Engineers/ Electrical was published on 26.11.2008. further appropriate orders were also issued on the demands raised by the petitioner union. The details of the fulfillment of the demands are detailed hereunder:

a) With regard to the issue of promotion to the diploma holders from Junior Engineers Grade II to Junior Engineers Grade I, which is the subject matter in the writ petition, orders of promotion were issued to 945 Junior Engineers Grade II as Junior Engineers Grade I in three batches as listed below:

. Orders of promotion to the first batch of 470 Junior Engineer Grade II who are found eligible for promotion were issued during Nov 2008.

. Orders of promotion to the second batch of 123 Junior Engineer Grade II who are found eligible for promotion were issued during Dec' 2010.

. Orders of promotion to the third batch of 352 Junior Engineer Grade II who are found eligible for promotion were issued during May'2012.

b) With regard to the issue of appointment to Assistant Engineers by internal selection, orders of appointment were issued to 247 employees as



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Assistant Engineers (Electrical) by internal selection on 27.12.2008.

c) With regard to the direct recruitment of 1100 Technical Assistants, on completion of selection process, orders of appointment were issued to 1100 candidates during the month of 08/2009 as Technical Assistant by direct recruitment.

d) With regard to the issue of Fixation of seniority for the diploma holders in Thirumayam RECS undertaking, no employees were absorbed as Technical Assistant/Electrical from Thirumayam Rural Electric Co-operative Society as per B.P. (FB) No.19, Adm. Branch dated 20.07.2006. Further, no claims/litigations have been received from the Diploma Holders of Thirumayam Rural Electric Co-operative Society for the seniority issued during the year 2010-2011 in the post of Technical Assistant.

e) Seniority list of Junior Engineers Grade I (Electrical) appointed in TNEB was issued vide Memo No012646/263/G18/G.181/2010-1, dated 09.02.2010.

f) Sanction of posts for 110KV sub-stations was also accorded vide per B.P.(CH) No.208 Adm. Branch dated 18.10.2008 and B.P. (CH) No.04 Adm. Branch dated 07.01.2009 etc.,

6. I respectfully submit that regarding the issue for fixation ration of 2:2 and 2:2:1 adopted by the Board, Special Leave Petition Nos.25540/2015, 27119/2015 and 23587/2016 are pending before the Hon'ble Supreme Court of India.

7. I humbly submit that with regard to the claim of the petitioner in the writ petition and the demands raised by them during the discussions, for which the then TNEB (now TANGEDCO) has also filed an affidavit during stay vacation, it is informed that almost all the demands putforth by the union has been finalized and closed before the issue of next direct recruitment notification and hence as the prayer has been fulfilled, this writ petition has become infructuous.

Taking the additional counter affidavit of the 2nd



respondent on file, the writ petition is closed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman
Taminadu Electricity Board
800, Electricity Avenue
Anna Salai,
Chennai-600 002
- 2.Chief Engineer (Personnel)
Tamil Nadu Electricity Board
800, Electricity Avenue
Anna Salai,
Chennai-600 002.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.35810

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&
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PCH(CO)
SU(07/09/2021)