



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No. 22103 of 2009 and
MP.Nos.2 and 3 of 2009

1.E.Petchimuthu
2.P.Ayyapparajan
3.C.Rajasekar
4.V.Sathiskannan

...Petitioners

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-2.

2. Tamil Nadu Electricity Board,
Rep. by its Secretary,
144, Anna Salai, Chennai-2.

3. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-2.

4. A.Velayutham
Assistant Engineer,
Udumalaipet Electricity Distribution Centre,
Udumalaipet.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, calling for the records relating to the impugned Seniority list of Memo No.041138/596/AB/G.18/G. 181/2009-1, dated 16.05.2009 of Assistant Engineers from the 3rd respondent namely The Chief Engineer (Personnel) Tamil Nadu Electricity Board and quash the same in so far as it places the petitioners in Serial Number 463, 461, 466 and 458 and consequently direct the 1st respondent to recast the said seniority list after filling up the 51 backlog vacancies for Schedule Caste as per Regulation 89 (c) of the Tamil Nadu Electricity Board Service Regulations and in accordance with the communal roster as per Regulation 89 (b).



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For Petitioners : Mr.Govardanan
for M/s. Row and Reddy

For Respondents : Mr.P.Subramanian (R1 to R3)
Standing Counsel
Mr.V.Ajoy Khose (R4)

ORDER

Heard Mr.Govardanan, learned counsel for the petitioners, Mr.P.Subramaiaam, learned Standing Counsel for R1 to R3 and Mr.V.Ajay Khose, learned counsel for R4.

2. The challenge in this matter relates to fixation of seniority. Para 10 of the counter filed by the 3rd respondent/the Chief Engineer (inadvertantly mentioned as R2) reads as follows:

10. I respectfully submit that, it was found that the 16 candidates who were selected as Assistant Engineer on later date were not included in the roster and the same was rectified and name of the said persons were included in the selection roster in the 2002 Internal Selection as per the communal rotation and communicated vide U.O.No.098401/573/G55/G551/2001-22, dated 04.07.2011. Out of 16 employees, the name of 5 persons including petitioners 1, 2 and 4 were fitted in the respective backlog vacancies and the remaining 11 names including third petitioner herein were fitted in the regular vacancy as per the merit. Accordingly the petitioners name have been re-fixed in the 2002 AE/Electrical seniority list by placing at the Sl.Nos.48, 78, 168 and 67. Subsequently as per the revised seniority they were promoted to the post of AEE/Electrical vide the panel issued Memo. No.013019/43/G1/G11/2011-108, dated 03.08.2012.

3. With this, learned counsel for the petitioners would state that the grievances of the petitioners stand redressed. He thus, does not wish to pursue the writ petition any further.

4. The petitioners have arrayed D.Velayutham as R4, who they contend has been incorrectly placed above them in seniority. The present counter, particularly para 10, does not anywhere refer to R4 or how he has been impacted by the refixation of seniority of the petitioners. If at all there has been any prejudice caused to R4 by virtue of the refixation, which is set out in para 10, extracted above, liberty is granted to R4 to address the same in line with the applicable Rules and Regulations and in accordance with law.



5. Recording the aforesaid, this writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

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//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-2.
2. The Secretary,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-2.
3. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-2.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.48373

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NSK 20/10/2021