



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4787 of 2015
and M.P.No.1 of 2015

K.Palanisamy

... Petitioner

Vs.

1. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
Namkkal - 637 001.
2. The Assistant Executive Engineer,
[Operation & Maintenance],
Tamil Nadu Generation and Distribution Corporation Limited,
Mallasamudram, Namakkal District.
- 3.Rajan
Assistant Engineer,
[Operation & Maintenance],
Tamil Nadu Generation and Distribution Corporation Limited,
Mallasamudram, Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to promote the petitioner as a Foreman, Grade-I, with effect from 29.12.2014 with all other applicable monetary and service benefits.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.Karthik Raja (R1 & R2)

ORDER

This writ petition has been filed to direct the first respondent to promote the petitioner as a Foreman Grade-I, with effect from 29.12.2014 with all other applicable monetary and service benefits.

2.According to the petitioner, he was appointed as a Helper in the Tamil Nadu Electricity Board and was promoted as a wireman during the year 2006. Subsequently, by order dated 31.12.2008, he was promoted as a Line Inspector in the office of



the second respondent. While so, based on the false complaint lodged by the third respondent as if the petitioner objected for executing the L.T. Extension work for effecting service connection to one K.Balamurugan and used unparliamentary words against the staff, the second respondent by order dated 25.09.2009, placed the petitioner under suspension. Challenging the same, the petitioner preferred W.P.No.20209 of 2009 and obtained an order of interim stay on 09.10.2009, which was made absolute on 11.09.2013, but the said writ petition is pending. It is the grievance of the petitioner that the first respondent by proceedings dated 29.12.2014, published a panel for promotion in the cadre of Commercial Inspector / Line Inspector to the post of Foreman Grade I, in which the petitioner's name was found in Serial No.6 of Annexure -II, however, he was not considered for promotion due to pendency of the said writ petition filed by him. Stating that there was no charge memo pending or punishment inflicted on the petitioner and hence, he is entitled for being promoted as Foreman Grade I, he submitted a representation dated 05.01.2015 to the first respondent, which was kept pending without any consideration. Therefore, this writ petition.

3.The learned counsel for the petitioner submitted that as per the interim order granted by this Court in WP.No.20209 of 2009, the order of suspension was revoked by the second respondent and the petitioner is working till date as Line Inspector; and that, the provisions of B.P.No.316, dated 27.12.1995 provide that even in the case of pending enquiries, where specific charges have not been framed, promotion of such persons shall be considered on the basis of their performance. However, the petitioner was not granted promotion to the post of Foreman Grade I, though his name was found in the panel for promotion. Therefore, the learned counsel prayed for appropriate direction to the first respondent to consider the petitioner for being promoted to the said post.

4.On the other hand, the learned counsel appearing for the respondents 1 and 2 fairly submitted that the first respondent would consider the petitioner's representation dated 05.01.2015, if it is pending, and pass orders on merits, within a stipulated time to be fixed by this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the representation dated 05.01.2015 submitted by the petitioner, if not already considered and pass appropriate orders, on merits and in accordance with law and also in the light of the provisions of B.P.No.316 dated 27.12.1995, within a period of eight weeks from the date of receipt of a copy of this order.



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6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
Namkkal - 637 001.
2. The Assistant Executive Engineer,
[Operation & Maintenance],
Tamil Nadu Generation and Distribution Corporation Limited,
Mallasamudram, Namakkal District.

+lcc to Mr.Karthik Raja , Advocate SR.No. 6595
+lcc to Mr. K.Selvaraj, Advocate SR.No. 6125

W.P.No.4787 of 2015

BP(CO)
B.VC(23.07.2021)