



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15817 of 2019
and
W.M.P.No.15636 of 2019

1.M.Rajasekaran
2.I.Kandasamy
3.B.Sivakumar
4.M.Kannaiyan
5.V.Srinivasan

...Petitioners

Vs

1.Tamil Nadu Generation and
Distribution Co. Ltd. (TANGEDCO),
Represented by its Chairman cum
Managing Director,
Xth Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer Personnel,
(TANGEDCO)
VIIIth Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

3.M.Kalimuthu
4.S.Pazhani Murugan
5.V.Ragunathan
6.V.Raja
7.S.Kuppurajan

...Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorarified Mandamus
calling for the records of first and second respondents in
connection with Memo No. 036905/G.13/G.131/2019 dated 29.05.2019



WEB COPY

and quash the same and direct the respondents to include the name of petitioners as 'Assistant Engineer (Electrical)' in the place of respondents R3 -R7.

For Petitioner : Mr.Gautam S.Raman

For R1 & R2 : Mr.P.Subramanian
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

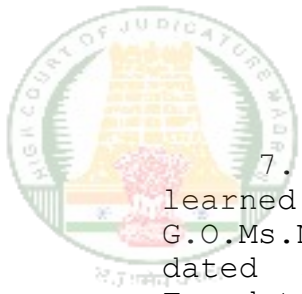
2. The petitioners herein are aggrieved on the non-inclusion of their names in the impugned promotional panel dated 29.05.2019 to the post of Assistant Engineer (Electrical). Though the petitioners claim to have sent representations pursuant to the impugned selection list seeking for inclusion of their names, no reply has been received, which prompted them to file the present writ petition.

3. The respondents have filed a counter affidavit in the month of July 2019, wherein, they have taken a stand that the petitioners have obtained B.E., degrees from Vinayaga Mission's Research Foundation, Salem, Tamilnadu through part-time courses and since the same has not been approved by the UGC, their names were not considered in the selection list. It is on this short ground, they seem to justify their action in excluding the names of the petitioners in the selection list.

4. The above reasoning adduced by the respondents in the counter affidavit seems to be a factual mistake.

5. The learned counsel for the petitioners had produced a copy of the letter from the University Grants Commission, dated 03.10.2019, wherein it is stated that the norms and standards notified by AICTE for conducting the Bachelor of Engineering (part-time) programme, has been fulfilled by Vinayaga Mission's Research Foundation, Salem and has also been approved by the AICTE, which is the statutory body.

6. In this background, the UGC had clarified that the B.E., programme conducted by Vinayaga Mission's Research Foundation, Salem, through regular mode with the approval of AICTE, is entitled to conduct such a programme. The ratification of such an approval has been extended for the year 2021-22, which is evidenced in the letter of the AICTE dated 29.06.2021, which is also produced by the petitioners before this Court.



WEB COPY

7. Apart from the above, it is also pointed out by the learned counsel for the petitioners that the Government in G.O.Ms.No.39, Personnel and Administrative Reforms Department, dated 30.04.2014, had approved Vinayaga Mission's Research Foundation, Salem, Tamilnadu as an university/institute recognized by the University Grants Commission.

8. On appreciation of the aforesaid facts, together with the letters of the UGC, AICTE and the Government Order, it could be stated that the respondents are not factually correct in stating that Vinayaga Mission's Research Foundation is a non-recognized university/institute and that the part-time B.E., degree course is not an approved course. While that being so, non-inclusion of the petitioners' names in the impugned promotional panel dated 29.05.2019, cannot be justified.

9. Though the petitioners have sought for quashing of the impugned promotional panel, this Court is of the view that if their names are directed to be included in the impugned promotional panel at the appropriate place based on their respective seniorities, the petitioners' grievances would be considerably met and the ends of justice could also be secured.

10. In the light of the above observations, there shall be a direction to the respondents to include the names of the petitioners herein in the promotional panel issued in Memo.No.036905/G.131/2019, dated 29.05.2019 and place them in their respective seniorities above their immediate juniors and consequently issue posting orders to them. The respondents shall ensure that such an exercise be completed atleast within a period of 6 weeks from the date of receipt of a copy of this order. Such inclusion of the petitioners' names in the impugned selection list shall be done notionally with effect from the date on which their immediate juniors were promoted and accordingly fix their respective seniorities. It is needless to point out that the petitioners would be entitled to all service and monetary benefits, from the date of their respective promotions.

11. The writ petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

hvk



To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Co. Ltd. (TANGEDCO),
Xth Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002

2.The Chief Engineer Personnel,
(TANGEDCO)
VIIIth Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002

+1cc to Mr.P.Subramanian, Advocate, S.R.No.36538

+1cc to M/s.Gautham S Raman, Advocate, S.R.No.36717

W.P.No.15817 of 2019
and
W.M.P.No.15636 of 2019

PMK (CO)
RVM(06/09/2021)