



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.15439 of 2012

and

M.P(MD)Nos.1 of 2013, 2 of 2012 and 1 of 2015

S.P.Raja

... Petitioner

Vs.

1.The Chief Engineer(Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGED CO)
144, Anna Salai, Chennai-2.

2.The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni.

3.The Executive Engineer,
Chinnamanoor Division,
Chinnamanoor, Theni District.

4.S.Seenichamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to impugned order passed by the 1st respondent vide letter No.077411/623/G.55/G.552/2011-1 dated 15.11.2012 and the consequential order passed by the 2nd respondent vide memo No.013819/1757/A.Ad.O/Adm.I/A1/F.5/12 dated 17.11.2012 and quash the same and consequently direct the 1st respondent to include the name of this petitioner in the panel list of Junior Engineer II Grade non diploma on the basis of his seniority and also direct the second respondent to promote this petitioner by considering his seniority.

For Petitioner : Mr.A.Balakrishnan

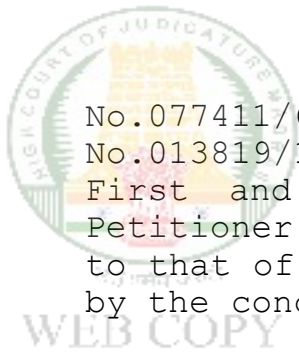
For Respondents : Mr.T.Sakthikumaran

Standing Counsel for TNEB

ORDER

Heard Mr.A.Balakrishnan, learned counsel for the Petitioner and Mr.T.Sakthikumaran, learned Standing Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that by the impugned Order



No.077411/623/G.55/G.552/2011-1 dated 15.11.2012 and memo No.013819/1757/A.Ad.O/Adm.I/A1/F.5/12 dated 17.11.2012 passed by the First and Second Respondents respectively, the claim of the Petitioner for promotion from the Post of Foreman Special Grade-II to that of Junior Engineer (Electrical) Grade-II has been overlooked by the concerned authorities.

3. The Third Respondent has filed counter affidavit and explained that the Petitioner was not considered for promotion in view of the fact that the disciplinary proceedings were pending against him at the time when the impugned promotions were effected. In this regard, Learned Counsel for the Petitioner has brought to notice that the disciplinary proceedings initiated against the Petitioner had been dropped by order No. கு.ஆ.எண்.051-4/உநிஅ/நிபி/நிஉ1/கோ.மறை/20212 dated 16.07.2012 which was even prior to the passing of the impugned order of promotion. The Respondents have not placed any materials to show that there was any other impediment to consider the Petitioner for promotion to the higher post.

4. In that view of the matter, the reasons stated by the Respondents for refusing to consider the Petitioner for promotion in the impugned Order No.077411/623/G.55/G.552/2011-1 dated 15.11.2012 and memo No.013819/1757/A.Ad.O/Adm.I/A1/F.5/12 dated 17.11.2012 passed by the First and Second Respondents respectively cannot be accepted and the Respondents shall consider the claim of the Petitioner for promotion taking into account the seniority in the feeder post. In the event of the Respondents arriving at the conclusion that the Petitioner is not entitled to such promotion, the reasons for the same shall be disclosed by them in writing and the Petitioner shall be entitled to submit a representation in that regard and afforded an opportunity of personal hearing to explain his position and reasoned orders shall be passed and communicated to the Petitioner. The aforesaid exercise shall be expeditiously completed and a report of the compliance shall be filed before the Registrar (Judicial) of this Court by 30.06.2021 under written acknowledgment.

5. In the result, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NS/SRM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Chief Engineer(Personnel)
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- 2.The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni.
- 3.The Executive Engineer,
Chinnamanoor Division,
Chinnamanoor, Theni District.
4. The Registrar (Judicial)
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-15938[F] dated
16/04/2021)

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-16147[F] dated
17/04/2021)

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