



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.4381 of 2012

and

M.P. (MD) .No.1 of 2012

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K.Chinniah

...Petitioner

Vs.

1.The Chairman,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
No.144, Annasalai, NPKRR Maligai,  
Chennai-600 002.

2.The Chief Engineer/Personnel,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
No.144, Annasalai, NPKRR Maligai,  
Chennai-600 002.

3.The Superintending Engineer,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
Virudhunagar Electricity Distribution Circle,  
Virudhunagar Post & District.

4.The Deputy Financial Controller,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
Virudhunagar Electricity Distribution Circle,  
Virudhunagar Post & District.

... Respondents

[R4 impleaded vide order dated  
21.01.2020 made in WMP(MD).No.856 of  
2020]

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Letter No.112289/1177/G30/G301/2012-1, dated 01.03.2012 and quash the same and consequently direct the respondents to place the petitioner's name in Serial No.1427-A instead of Serial No.2438 in the Assistant Seniority list and promote the petitioner to the post of Assistant Accounts Officer with all attendant and service



For Petitioner : Mrs.Chamundi Bose  
For Respondents : Mr.T.Sakthi Kumaran  
Standing Counsel

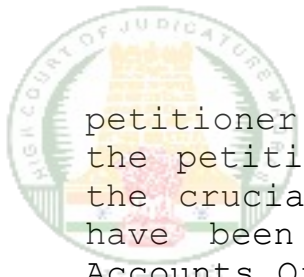
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**ORDER**

This writ petition is filed seeking a writ of Certiorarified Mandamus, to quash the order dated 01.03.2012 passed by the second respondent and to direct the respondents to place the petitioner's name in Serial No.1427-A instead of Serial No.2438 in the Assistant Seniority list and promote the petitioner to the post of Assistant Accounts Officer with all attendant and service benefits.

2. The case of the petitioner is that he was initially appointed as Junior Assistant in the Tamilnadu Electricity Board on 28.08.1982 and subsequently promoted as Assistant (Accounts) on 02.12.1998 and further promoted as Account Supervisor on 28.03.2008. While so, the second respondent called for the panel for promotion of for the post of Assistant Accounts Officer by fixing crucial date on 25.03.2010 for the year 2010-2011. Further, the petitioner claimed that before the said crucial date, he had completed all Departmental Tests and he is fully eligible to the post of Assistant Accounts Officer, however, his name was not included in the panel and his junior's names were included. In so far as the promotion to the post of Assistant Accounts Officer is concerned, the feeder category is Account Supervisor cadre and they should pass the special test in Accountancy Higher Grade or B.Com., Degree of any University recognised by the University Grants Commission. The petitioner passed the Account Test for Subordinate Officers-I in the year 1997, Accountancy Junior Grade in the year 2002 and Accountancy Senior in the year 2009. Though the petitioner is fully eligible to be considered for the post of Assistant Accounts Officer, he did not considered for the said promotion. In this regard, the petitioner made a representation to the first respondent on 27.10.2010. Since the petitioner's representation was not considered, the petitioner filed a writ petition in W.P(MD).No.14408 of 2020 and this Court, by its order, dated 21.10.2011, directed the second respondent therein, to consider the petitioner's representation dated 27.10.2010 by affording opportunity to the petitioner. Without complying the order of this Court, the respondent passed the impugned order. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner's name was included in the panel for promotion to the post of Assistant Accounts Officer, in which the petitioner's name was found in Serial No.2438 whereas his junior's names were found above to the petitioner. He further submitted that the



petitioner's name has to be included as Serial No.1427-A, since the petitioner had completed all the Departmental Tests prior to the crucial date, ie., 25.03.2010, and the petitioner ought to have been considered for promotion to the post of Assistant Accounts Officer. Hence, he prays for allowing the writ petition.

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4. Per contra, the learned Standing Counsel for the respondents would submit that the main issue involved in the present case is the eligibility of the petitioner for promotion to the post of Assistant Accounts Officer. Admittedly, the petitioner is placed in Serial No.2438 in the promotional panel, which was published on 28.08.2010 and in the earlier seniority list in the cadre of Assistant [Accounts], which was published on 31.12.1998, the petitioner was placed in Serial No.2438. Hence, without challenging the above said seniority lists, filing the writ petition claiming to fix his seniority in Serial No.1427-A is not maintainable. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. The core issue involved in the present case is whether the petitioner is entitled for promotion to the post of Assistant Accounts Officer. The grievance of the petitioner is that though the petitioner had completed all necessary tests prior to the crucial date, ie., 25.03.2010, however, he was not granted promotion. On perusal of the counter affidavit as well as the affidavit filed by the petitioner, it is clear that the seniority list was published in the cadre of Assistant [Accounts] on 31.12.1998 and the approved panel for the post of Assistant Accounts Officer was published on 28.08.1998. In both the lists, the petitioner's seniority is fixed at Serial No.2438 and further, in the counter, the respondents categorically admitted that the seniority list for Account Supervisor was prepared up to Serial No.2198. As per the Seniority list for the Account Supervisor, the date of crucial list is 25.03.2011 and from the said seniority list upto Serial No.2199 was taken for consideration for promotion to the post of Account Supervisor and the petitioner's name was not considered on the ground that the petitioner's Serial number is 2438. Unless the petitioner challenges the earlier seniority list, he cannot claim to re-fix his seniority. For the aforesaid reasons, without challenging the earlier seniority list, filing the present writ petition claiming the re-fixation of the petitioner's seniority is not sustainable one. Hence, this Court does not find any irregularity or illegality in the order impugned and the same cannot be interfered



7. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

PJL

**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 Chairman,  
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No.144, Annasalai, NPKRR Maligai, Chennai-600 002.

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4.The Deputy Financial Controller,  
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Tamil Nadu Electricity Board,  
Virudhunagar Electricity Distribution Circle,  
Virudhunagar Post & District.

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate ( SR-3025  
[F] dated 03/02/2021 )

**W. P (MD) No. 4381 of 2012**  
**02.02.2021**

KM (01.03.2021) 4P 6C

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