



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1259 of 2021

and

C.M.P.[MD]No.5287 of 2021

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
N.P.K.K.R.Maligai,
Chennai-600 002.
- 2.The Chief Engineer (Personnel),
TANGEDCO, No.144, Anna Salai,
N.P.K.K.R.Malaigai, Chennai-600 002.
- 3.The Superintending Engineer,
O/o.Superintending Engineer,
Metro/TANGEDCO,
Madurai Region,
K.Pudur, Madurai-625 007.
- 4.The Assistant Engineer,
O/o.Assistant Engineer (Distribution),
Sinthamani TNEB Division,
TANGEDCO, Madurai.
- 5.The Superintending Engineer,
Nagercoil Electricity Distribution Circle,
TANGEDCO, Bharvathipuram,
Nagercoil, Kanyakumari District.
- 6.The Executive Engineer,
TANGEDCO, Bharvathipuram Division,
Nagercoil, Kanyakumari District-629 001.
- 7.The Executive Engineer,
South Division, TANGEDCO,
Subramaniyapuram,
Madurai City.
- 8.The Assistant Executive Engineer (Distribution),
Kottaram,
Kanyakumari District.

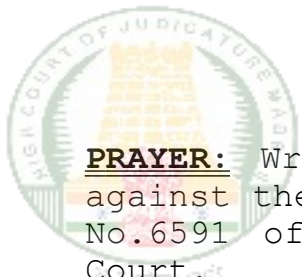
...Appellants/Respondents

Vs.

... Respondent/Petitioner

S.Jebasingh Rajan

<https://hcservices.ecourts.gov.in/hcservices/>



PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the interim stay order dated 02.07.2020 passed in W.M.P.(MD) No.6591 of 2020 in W.P.(MD)No.7155 of 2020 on the file of this Court.

Prayer in WMP(MD). 6591/ 2020 :

To pass an order of Interim Stay of all further proceedings of the Impugned Memo No.UmiPO/Pa/Sindh/VA.U/Ko.1/A.No.501/2020 dated 17.06.2020 on the file of the Respondent No.4, pending disposal of the Writ Petition.

Prayer in WP(MD). 7155/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorarified Mandamus to call for the records pertaining to the Impugned Memo No.UmiPO/Pa/Sindh/VA.U/Ko.1/A.No.501/2020 dated 17.06.2020 on the file of the Respondent No.4 and Quash the same as illegal and consequently direction directing the Respondents to permit the Petitioner to continue his service in the Promotion Post of Inspector of Assessment at the Respondent No.4 office in light of the Promotion Order passed by the Respondent No.3 in Memo No.171/Me.Po/MaMiPaVa/Peru/Madu/NiA/NiPi1/U1/2020 dated 07.05.2020

For Appellants

: Mr.T.Sakthikumaran

JUDGMENT

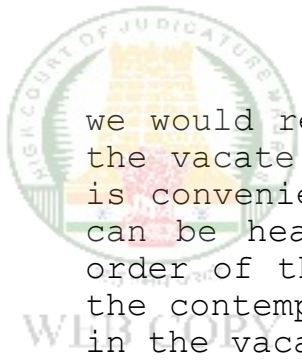
[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.T.Sakthikumaran, learned Counsel appearing for the appellants.

2.This appeal by the Tamil Nadu Electricity Board is directed against an interim order granted in W.M.P.[MD]No.6591 of 2020 in W.P.[MD]No.7155 of 2020 dated 02.07.2020. By virtue of the said order, the cancellation of the promotion granted to the writ petitioner has been stayed.

3.The learned Counsel for the appellants though submitted that the appellants have filed a counter affidavit in the writ petition along with a petition to vacate the interim order and expressed his willingness to make submissions in the main writ petition, however, the learned Single Bench in the Contempt Petition in CONT.P[MD] No.549 of 2020, has issued statutory notice to the appellants for non-compliance of the interim order.

4.In our considered view, since the appellants have already filed counter affidavit and also sought for vacating the interim order which was granted at the admission stage of the writ petition,



we would request the learned Single Bench to hear the appellants on the vacate stay petition and pass orders or in the alternate, if it is convenient to the learned Single Bench, the Writ Petition itself can be heard. Therefore, we do not propose to interfere with the order of the learned Single Bench. However, we are of the view that the contempt proceedings shall be deferred, till a decision is taken in the vacate stay petition filed by the appellants.

5. Accordingly, the Writ Appeal is disposed of by staying further proceedings in the Contempt Petition in CONT.P[MD]No.549 of 2020 and the Registry is directed to list the vacate stay petition before the appropriate Single Bench, during the course of second week of July, 2021. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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.

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The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
W.A. [MD]No.1259 of 2021
02.07.2021

TP (CO)
TR(02.07.2021) 3P 2C