



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.9628 of 2018

and

W.M.P (MD) .No.8889 of 2018

V.Sivakumar

.. Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution Corporation Ltd.,
rep. by its Chairman Cum Managing Director,
No.144, Anna Salai,
Chennai-600 002.

2.The Secretary,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

3.R.Karuppiyah,
Senior Deputy Chief Internal Audit Officer,
Audit Branch,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai(1st Floor),
Chennai-600 002.

4.M.Ramesh,
Deputy Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai(1st Floor),
Chennai-600 002.

5.M.Jeevanandam,
Deputy Chief Internal Audit Officer,
Audit Branch, Madurai Region,
Tamil Nadu Generation and Distribution Corporation Ltd.,
K.Pudur, Madurai-625 007.

6.P.Sundaramoorthy,
Internal Audit Officer,
Audit Branch, Villupuram Region,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Old Power House, Villupuram-605 602.



7.The Chief Internal Audit Officer,
TANGEDCO Chennai.

... Respondents

(R7 suo Motu Impleaded as per order dated 25.11.2021 by ASMJ)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent nos.1 & 2 to revert the respondent nos.3 to 6 from their respective posts and consequently, to re-fix the petitioner's seniority in the post of Internal Audit Officer after reverting the unqualified candidates like the respondent nos.3 to 6 within the time frame as stipulated by this Court.

For Petitioner	: Mr.S.Louis
For Respondents	: Mr.T.Sakthikumaran, Standing Counsel RR1, 2 & 7

ORDER

The petitioner has sought a Mandamus, directing the respondents 1 & 2 being Chairman Cum Managing Director and the Secretary of the Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO) respectively to revert the respondents 3 to 6 being private respondents from their respective posts with a consequential prayer for re-fixation of the petitioner's seniority in the post of Internal Audit Officer.

2.The case of the petitioner is that the private respondents did not hold requisite qualification for the posts to which they have been appointed. Evidently, this Court is not in a position to ascertain the qualification or suitability of the private respondents in respect of their posts and even for that the matter, to decide the same in the present Writ Petition, filed for issuance of a Writ of Mandamus.

3.The orders of appointment of the private respondents have not been challenged by the petitioner and thus, any direction that would have the consequence of either disturbing their postings or seniority, cannot be issued. That apart, notice has not been taken up on the private respondents and they are not represented before me.

4.The petitioner has sought the similar relief as sought for in this Writ Petition, vide representation that has been made before respondents 1 & 2, dated 19.04.2018. The learned counsel appearing for the official respondents would state that the appropriate authority to consider the request of the petitioner and to dispose the representation would be that the Officer holding the post of Chief Internal Audit Officer, TANGEDCO, Chennai.



5.Hence, this Court suo-motu impleads the Chief Internal Audit Officer, TANGEDCO, Chennai as the seventh respondent in the Writ Petition. Registry is directed to amend the party to the proceedings. Mr.T.Sakthikumaran, learned Standing Counsel appearing for the respondents 1, 2 accepts notice for newly impleaded R7 as well.

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6.Let a copy of the representation dated 19.04.2018 be forwarded to newly impleaded respondent/R7 by the learned Standing counsel, who has accepted notice for R7. The 7th respondent shall hear the petitioner as well as the private respondents, some of whom are stated to have retired from service pending writ petition, and pass appropriate orders on merits in accordance with law, within a period of eight(8) weeks from the date of uploading of a copy of this order upon the official website of the Government.

7.The Writ Petition is disposed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.

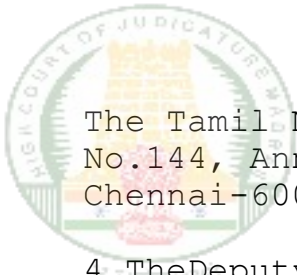
To

1.The Chairman Cum Managing Director,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

2.The Secretary,
The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.

3.The Senior Deputy Chief Internal Audit Officer,
Audit Branch,

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



The Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai(1st Floor),
Chennai-600 002.

4.The Deputy Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai(1st Floor),
Chennai-600 002.

5.The Deputy Chief Internal Audit Officer,
Audit Branch, Madurai Region,
Tamil Nadu Generation and Distribution Corporation Ltd.,
K.Pudur, Madurai-625 007.

6.The Internal Audit Officer,
Audit Branch, Villupuram Region,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Old Power House, Villupuram-605 602.

7.The Chief Internal Audit Officer,
TANGEDCO Chennai.

+1 CC to M/s.T. SAKTHIKUMARAB, Advocate (SR-36154[F] dated
26/11/2021)

W.P. (MD) No.9628 of 2018
25.11.2021

NA(CO)
KB(05.01.2022) 4P 9C