



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM :

WEB COPY

THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.A(MD)No.2104 of 2021

and

CMP(MD)No.9634 of 2021

P.Balasubramanian ... Appellant / 6th Respondent

vs.

- 1) The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.
- 2) The Chief Engineer,
Tamil Nadu Electricity Board,
Madurai.
- 3) The Superintending Engineer,
Tamil Nadu Electricity Board,
Dindigul.
- 4) The Superintending Engineer,
Tamil Nadu Electricity Board,
Coimbatore.
- 5) The Chief Engineer,
Tamil Nadu Electricity Board,
Coimbatore. ... Respondents 1 to 5/ Respondents 1 to 5
- 6) Mr.P.Murugesan ... 6th Respondent/Writ Petitioner
Appeal filed under Clause 15 of Letters Patent, against the
order dated 03.02.2021 made in W.P(MD)No.5969 of 2012.

Prayer in WP(MD). 5969/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records of the Respondents particularly that of the 3rd Respondent s proceedings in Ku.No.02481/116/NiBi2/NiBi ool/Ko.ci.ni.mu.o/12, dated 16-02-2012 relating to the Promotion of the 6th Respondent as Special Grade



foreman driver followed the previous promotion dated 29-08-1998 and consequently direct the Respondent to remove the name of 6th Respondent arrayed as serial No.6A from the revised panel list dated 15-09-2009.

For Appellant : Mr.M.Saravanakumar
For R1 to R5 : Mr.T.Sakthikumaran
For R6 : Mr.K.Anandan

JUDGMENT

(Judgment of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petitioner/6th respondent herein, had challenged the promotion given to the 6th respondent/appellant herein. It is stated that in the year 1995, it was mandatory to have six years of experience for promotion to the post of heavy vehicle driver, but in the year 2006, it was reduced to three years. The writ petitioner and the 6th respondent had joined the service in the year 1995 and 1996 respectively. The writ petitioner was given promotion in the year 2002, after the completion of six years, whereas the 6th respondent in the writ petition, was granted promotion as Senior Driver in the year 1998, which was not disputed by the 6th respondent/appellant herein.

2. Therefore, it is only the relevant number of years at the relevant point of time, which has to be taken into consideration. Since the dispute is with respect to the number of years of experience computed for the purpose of promotion, the learned single Judge has set aside the order and remitted the matter back to the authorities, to re-work the entire issue, in the process of fixing seniority of the drivers, as per the Regulations of the Tamil Nadu Electricity Board and fix the seniority of the writ petitioner as well as the 6th respondent, who is the appellant herein, after affording them an opportunity of personal hearing for establishing their right.

3. As there was ambiguity in granting promotion to the appellant, the order was set aside and the matter was remitted back to the authorities to re-work the same, for which, the appellant cannot have any grievance as, if his promotion is based only on the norms fixed by the Board, he cannot be aggrieved.

4. Therefore, we see no reason to interfere with the order of the learned single Judge and the same is confirmed. Pursuant to the order of this Court, the Electricity Board has also sent a notice, calling upon the parties to appear before them. As the present appeal was filed, the re-working is not yet completed. The appellant as well as the 6th respondent are directed to appear before



the authorities and explain their respective case, for the early fixation of their seniority.

5. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar(CS)

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To

1) The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.

2) The Chief Engineer,
Tamil Nadu Electricity Board, Madurai.

3) The Superintending Engineer,
Tamil Nadu Electricity Board, Dindigul.

4) The Superintending Engineer,
Tamil Nadu Electricity Board, Coimbatore.

5) The Chief Engineer,
Tamil Nadu Electricity Board, Coimbatore.

+1 CC to M/s.K. ANANDAN, Advocate (SR-35385[F] dated 22/11/2021)

+1 CC to M/s.M. SARA VANAKUMAR, Advocate (SR-35431[F] dated
23/11/2021)

+1 CC to M/s.T SAKTHI KUMARAN, Advocate (SR-35480[F] dated
23/11/2021)

W.A(MD)No.2104 of 2021

DATED : 22.11.2021

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