



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.13769 of 2016

and

W.M.P. (MD) No.10270 of 2016

WEB COPY

1.A.V.Kulandaivel
2.N.Gayathiri
3.V.Mohanasundaram
4.V.Nagarajan
5.S.Neelakantan
6.G.D.Raja
7.S.Shanmugam
8.P.Vaikundamani
9.K.Karuppasamy

... Petitioners

Vs.

1.The Tamil Nadu Electricity Board,
Rep. By its Chairman,
800, Annasalai,
Chennai - 2.

2.The Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
800, Annasalai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus to direct the respondents to draw the seniority list of Assistant Engineers (Electrical) taking into consideration of their substantial date of appointment as Assistant Engineer in accordance with Regulation 97 of the Tamil Nadu Electricity Board and by considering their representation dated 12.02.2016 within the stipulated time.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.T.Sakthi Kumaran
Standing Counsel

ORDER

The Writ Petition has been filed for a direction to the respondents to draw the seniority list of Assistant Engineers (Electrical) taking into consideration their substantial date of appointment as Assistant Engineer according to the Regulation 97 of the Tamil Nadu Electricity Board and by considering their



representation dated 12.02.2016 within a time stipulated by this Court.

2. Learned Standing Counsel appearing for the Respondents has brought to notice that after filing of this Writ Petition, the First Petitioner had submitted objections to the tentative seniority list on 09.11.2017 and had filed another Writ Petition in W.P.(MD) No.21148 of 2017 to direct the Respondents to consider those objections and finalise the seniority list thereafter before proceeding with the promotion of the candidates. This Court by order dated 07.12.2017 had disposed the said Writ Petition stating as follows:-

"3.It is the case of the petitioner that the tentative list for the post of Assistant Executive Engineers (Electrical) had been issued by proceedings Memo No.009121/195/G.18/G.181/2017 dated 20.06.2017 and thereafter, another tentative seniority list has been published on 06.11.2017 by proceedings Memo No.009121/195/G.18/G.181/2017 in which the petitioner's juniors are placed above him. Aggrieved by the same, the petitioner has filed the present Writ Petition.

4.It is represented on behalf of the respondents 3 to 11 that they have also made representations against the position in the seniority list claimed by the petitioner.

5.The learned counsel for the first and second respondents, on instructions, submits that the claim of the petitioner as well as the objections of the other employees, who would be affected if that claim of the petitioner is accepted, would be considered and reasoned orders thereon passed and on that basis, the finalized seniority list would be published on or before 31.12.2017 and thereafter, promotions to the higher post would be effected by the competent Authorities of the respondents.

6.This Court, without expressing any view on the correctness or entitlement of the rival claims of the parties, records the aforesaid undertaking made by the learned counsel appearing for the first and second respondents and accordingly, disposes this Writ Petition. No costs. Consequently, connected miscellaneous petitions are closed."

It is informed that in furtherance to the said order, proceedings in Memo dated 27.02.2018 have been passed confirming the tentative



seniority list and copy of the same has been produced. In view of the subsequent events, the relief claimed in this Writ Petition does not survive for further consideration.

3. Accordingly, the Writ Petition is disposed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Chairman,
Tamil Nadu Electricity Board,
800, Annasalai,
Chennai - 2.
- 2.The Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
800, Annasalai,
Chennai - 2.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-16189[F] dated 17/04/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16126[F] dated 17/04/2021)

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16.04.2021

GS(17.05.2021) 3P 5C