



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.549 of 2015

1. S.Panneerselvam,
S/o.Mr.R.Subramani,
Junior Engineer - II,
110/11 KV Sub-Station,
Thirunindravur, TANGEDCO,
CEDC Chengalpattu,
Thiruvellore District.
- 2 . K.Balachandran,
S/o.Mr.A.R.Kesavan,
Junior Engineer - II,
110/11 KV Sub-Station, Thirumazhisai,
TANGEDCO, CEDC Chengalpattu,
Thiruvellore District.
3. T.Mohanan,
S/o.Mr.G.Thulasi,
Junior Engineer - II,
110/11 KV Sub-Station, Irungattukottai,,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
4. C.Velraj
S/o.Mr.M.Chinnathambi, Junior Engineer II
110/11 KV Sub-Station, Sriperumbudur
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
5. M.Elumalai
S/o.Mr.C.Murugappan,
Junior Engineer-II,
110/11 KV Sub Station, Thirumazhisai,
TANGEDCO, CEDC Chengalpattu,
Thiruvellore District.
6. S.Rathinakumar
S/o.C.M.Subramanian, Junior Engineer - II,
110/11 KV Sub-Station, Sriperumbudur,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.



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7. G.Manoharan,
S/o.Mr.S.M.Govindarajulu,
Junior Engineer-II,
110/11 KV Sub-Station, Thirumazhisai,
TANGEDCO, CEDC Chengalpattu,
Thiruvellore District.
8. K.Rajendran
S/o.Mr.P.Kuppusamy,
Junior Engineer II
110/11 KV Sub-Station, Sriperumbudur,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
9. S.Seetharaman
S/o.Mr.K.A.Srinivasan, Junior Engineer-II
110/11 KV Sub Station, Kadambathur,
TANGEDCO, CEDC Chengalpattu,
Thiruvellore District.
10. P.Papiah
S/o.Mr.Joseph, Junior Engineer - II,
110/11 KV Sub-Station, Perambakkam,
TANGEDCO, CEDC Chengalpattu,
Thiruvellore District.
11. S.Kachiyappan
S/o.Mr.A.Shanmugam, Junior Engineer - II,
110/11 KV Sub Station, Padapai,
TANGEDCO CEDC Chengalpattu,
Kancheepuram District.
12. M.Kannusamy
S/o.Mr.Muthalu, Junior Engineer-II,
110/11KV Sub Station, Illedu,
TANGEDCO CEDC Chengalpattu,
Kancheepuram District.
13. S.Dhanasekaran
S/o.Mr.Srinivasan, Junior Engineer-II,
110/11 KV Sub Station, Moosivakkam,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
14. M.Mayilvaganan,
S/o.Mr.Mohanarangan, Junior Engineer - II,
110/11 KV Sub Station, Thiruporur,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.



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15. S.Gunasekaran,
S/o.Mr.Kuppan, Junior Engineer-II,
110/11 KV Sub Station, Chengalpattu,
TANGEDCO CEDC Chengalpattu,
Kancheepuram District.
16. P.Srinivasan,
S/o.Mr.Parthasarathy, Junior Engineer-II,
110/11 KV Sub-Station, Unamanchery,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
17. A.I.Sulaiman Baig,
S/o.Mr.Ibrahim, Junior Engineer-II
110/11 KV Sub Station, M.M. Nagar,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
18. M.Partheeban,
S/o.Mr.Murugan, Junior Engineer-II (Retired),
JCK Nagar, Chengalpattu,
Kancheepuram District
19. S.Mathiyas,
S/o.Mr.Balaiya, Junior Engineer-II
110/11 KV Sub Station, Unamanchery,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
20. P.Mani,
S/o.Mr.Periyasamy, Junior Engineer-II,
400 KV Sub Station,
Sriperumbudur,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District
21. D.A.Sovariappan,
S/o.Mr.Antoni, Junior Engineer-II
110/11 KV Sub Station,
Chengalpattu,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
22. D.Mahesh,
S/o.Mr.Dhandapani, Junior Engineer-II
110/11 KV Sub Station, Alathur,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.



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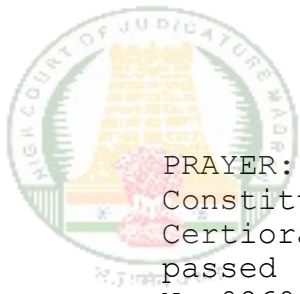
23. M.Alagesan,
S/o.Mr.Muniyanndi,
Junior Engineer-II
110/11 KV Sub Station, Thiruporur,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
24. K.Dhanasekaran,
S/o.Mr.Kannan, Junior Engineer-II,
110/11 KV Sub Station,
Potheri, TANGEDCO,
CEDC Chengalpattu,
Kancheepuram District.
25. R.Arumugam
S/o.Mr.Raghavan, Junior Engineer-II,
110/11 KV Sub-Station, Unamanchery,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.
26. S.Ilangovan,
S/o.Mr.Subramanian, Junior Engineer-II,
110/11 KV Sub-Station, Mambakkam,
TANGEDCO CEDC Chengalpattu,
Kancheepuram District.
27. D.Kumar,
S/o.Mr.Dhadu, Junior Engineer-II,
110/11 KV Sub Station, Mambakkam,
TANGEDCO, CEDC Chengalpattu,
Kancheepuram District.

...Petitioners

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
144 Anna Salai, Chennai - 600 002.
2. The Chief Engineer(Personnel),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
144, Anna Salai, Chennai- 600 002.
3. The Superintending Engineer,
CEDC/Chengalpattu,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Chengalpattu.

...Respondents



PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the records of the order passed by the 2nd respondent in his proceedings in Memo No.086090/514/G.46/G.462/2009-12 dated 05.07.2014 and quash the same as illegal and consequentially direct the respondents to notionally promote the petitioners to the post of Foreman Grade - I with effect from 27.01.2000 and notional promotion to the post of Special Grade Foreman with effect from 03.02.2009, the date on which the petitioners juniors were promoted and pay all the consequential benefits to the petitioners.

For Petitioners : Mr.L.Chandrakumar
for Mr.K.Sasindran

For Respondents : Mr.P.Subramanian,
Standing Counsel for TANGEDCO

O R D E R

The writ on hand has been instituted to set aside the order of rejection dated 05.07.2014 stating that the petitioners are not eligible for notional promotion and fixation of pay on par with their juniors.

2.The writ petitioners are working as Junior Engineers. Some of the writ petitioners are working in the TANGEDCO and few writ petitioners have already retired from service. The claims of the writ petitioners were that they were eligible for promotion in the year 2000 and their names were included in the panel, but actual promotions were not granted to them. Subsequently, one such person filed a writ petition and the High Court issued an order to the authorities competent to consider the claims of those persons and grant promotion and fix their scale of pay. The petitioners in the present writ petition claim that those persons are juniors to them and therefore, they are also entitled to the similar relief of notional promotions and for revision of scale of pay.

3.The learned counsel for the petitioners made a submission that the petitioners are not claiming arrears of pay as they were not holding the promotional post during the relevant point of time. However, the petitioners are eligible for notional promotion and fixation of pay is to be notionally ordered for the purpose of future benefits.

4.The learned standing counsel for TANGEDCO objected the said contentions by stating that the claims of the petitioners



are belated. The writ petitioners have approached this Court after a lapse of many years and therefore, they cannot seek the benefit of promotions on par with the persons, who filed the writ petition during the relevant point of time. Even the counter filed by the respondent Board reveals that the promotions to the juniors were granted pursuant to the order of direction issued by this Court to consider their representation. The counter further states that the present writ petition is to be rejected mainly on the ground that the petitioners have slept over for several years.

5. In this context, the writ petitioners have filed an additional typed set of papers and made a submission that yet another junior employee to the petitioners one M.Rajendren filed W.P.No.7490 of 2017 and this Court passed an order dated 28.03.2017, directing the respondents therein to consider the representation and pass appropriate orders on merits within a period of six weeks. Pursuant to the said general directions, the Superintending Engineer, Chengalpattu, passed a proceedings dated 19.09.2019, granting the benefit of notional promotion and notional fixation of pay in favour of the said employee M.Rajendren.

6. Relying on the said order, the learned counsel for the petitioners reiterated that the delay ground is unsustainable as the said M.Rajendren filed the writ petition in the year 2017, subsequently after the filing of the present writ petition and pursuant to the order of directions to consider the representation, the Superintending Engineer has passed an order in favour of the said M.Rajendren and therefore, the petitioners are also entitled to similar benefits and the point of delay cannot be taken into consideration even by the respondents themselves.

7. In view of the facts and circumstances, the case of the writ petitioners are also to be considered with reference to the earlier orders passed by the respondents and more specifically, the order passed by the Superintending Engineer in respect of M.Rajendran in proceedings dated 19.09.2019. Accordingly, the impugned order passed by the second respondent in proceedings in Memo No.086090/514/G.46/G.462/2009-12, dated 05.07.2014 is quashed and the respondents are directed to reconsider the claims of the writ petitioners with reference to the orders stated above and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above directions, the writ petition stands allowed. No Costs.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
144 Anna Salai, Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
144, Anna Salai, Chennai- 600 002.
3. The Superintending Engineer,
CEDC/Chengalpattu,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Chengalpattu.

+2cc to Mr.K.Sasindran, Advocate, S.R.No.33364

+1cc to Mr.P.Subramanian, Advocate, S.R.No.34105

W.P.No.549 of 2015

CA (CO)
RGA (21/06/2022)