



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Eighteenth day of April Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.M.P.Nos.11073 of 2021 and 3324 of 2022

in W.P No.10470 of 2021

S.SEKAR

...PETITIONER IN W.M.P.No.11073 of 2021
& RESPONDENT IN W.M.P.No.3324 of 2022

Vs

1 THE CHAIRMAN ...1 & 2 RESPONDENTS IN W.M.P.No11073/2021
AND MANAGING DIRECTOR and 1 & 2 PETITIONERS IN
TAMIL NADU GENERATION AND ELECTRICITY W.M.P.No.3324 of 2022
DISTRIBUTION CORPORATION LTD (TANGEDCO)
NO.144, ANNA SALAI, CHENNAI-600 002

2 THE CHIEF ENGINEER/ PERSONNEL
TAMIL NADU GENERATION AND ELECTRICITY
DISTRIBUTION CORPORATION LTD(TANGEDCO),
NPKRR MAALIGAI, 8TH FLOOR ,
NO 144, ANNA SALAI, CHENNAI 600002

3 TNEB ENGINEERS SANGAM,
REPRESENTED BY ITS GENERAL SECRETARY,
MR.V.S.SAMPATHKUMAR,
S/O.M, VENKATRAMASUNDARAM,
NEW NO.144, OLD NO.793,
ANNA SALAI, CHENNAI 600 002

...3 & 4 RESPONDENTS IN
W.M.P.No.11073 of 2021

4 MR.S.BALAJI

(R3, R4 IMPEADED VIDE ORDER DT 18.04.2022
MADE IN WMP.8259/2022 IN WP.10470/2021 BY DKKJ)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased

1.To stay of the operation of the Impugned proceedings passed by the 2nd Respondent in bearing Memo. No 024900/722/G.12/G.122/2020-2 dated 20.2.2021 and all proceedings pursuant thereto [in W.M.P.Nos.11073 of 2021] pending disposal of the present W.P No.10470 of 2021;



2. To vacate the order of interim stay dated 26.04.2021 passed in WMP.No.11073 of 2021 in WP.No.10470 of 2021 [WMP.No.3324 of 2022 in WP.No.10470 of 2021 respectively.

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Order : These Miscellaneous petitions coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.BALASUBRAMANIAN, Advocate for the PETITIONER IN W.M.P.No.11073 of 2021 & RESPONDENT IN W.M.P.No.3324 of 2022 and of M/S.P.SUBRAMANIAN, Advocate for the 1 & 2 RESPONDENTS IN W.M.P.No.11073 of 2021 and 1 & 2 PETITIONERS IN W.M.P.No.3324 of 2022, the court made the following order:-

According to the writ petitioner, in the counter affidavit filed in W.P No.10470 of 2021, the respondent Board has stated in para 10 that as per inter-se seniority, the petitioner, who was appointed as Junior Engineer, Grade-II by transfer method from RWE-Non-Diploma Category will have to be fixed along with all similarly placed persons from Non-Diploma Category and required Diploma Holders and then only the petitioner's name will be considered for further promotion to the post of JE Grade-I/Electrical when his turn comes. However, the petitioner has approached this Court prematurely. The petitioner's name has not reached the zone of consideration for drawing panel for promotion to the post of Junior Engineer Grade-I, as the inter-se-seniority in the post of Junior Engineer Grade-II issued proceedings vide Memo No.024900/722/G.12/G.122/2020, dated 08.04.2020 and the Final inter-se-seniority in the post of Junior Engineer Grade-II Memo No.024900/722/G12/G122/2020-2, dated 20.02.2021 was pertaining to the Junior Engineer Grade-II, the petitioner was placed under Sl.No.8056 out of 1749 Nos. As and when he is fixed a particular rank in the inter-se-seniority reaches and come up within the zone of consideration, subject to suitability etc., his name will also be considered at the appropriate time, for inclusion of his name for the promotion to the post of Junior Engineer.

2. The learned counsel appearing for the newly impleaded respondents 3 and 4 would submit that by virtue of interim stay, the entire promotion has been stalled. Therefore, he prays to vacate the interim order already granted by this Court and direct the respondent Board to proceed based on the seniority list and take appropriate decision for drawing panel for promotion to the post of Junior Engineer Grade-I.

3. The learned Standing Counsel appearing for the respondent Board would submit that in view of the said interim stay, the respondent Board has filed a counter affidavit, wherein it is stated that the petitioner has not reached the zone of consideration for the next promotion avenue for drawing panel for promotion to the post of Junior Engineer Grade-I.



4. To the aforesaid submissions, the learned counsel appearing for the writ petitioner would submit that the petitioner is challenging the seniority list and therefore, he has got the benefit of interim order.

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5. Considering the aforesaid submissions, this Court will not stall the promotion panel prepared for the post of Junior Engineer, Grade-I. In accordance with earlier order of this Court, this Court has granted an interim order in W.M.P No.11073 of 2021 dated 26.04.2021, directing respondent Board to keep one post vacant for the promotion to the post of Junior Engineer, until further orders. On the same line, this Court is inclined to modify the interim order granted in the aforesaid petition dated 26.04.2021, and direct the respondents Board to keep one post vacant for promotion to the post of Junior Engineer, Grade-I, for a period of twelve weeks. However, it is open to the respondent Board to proceed with the promotion panel.

6. Post the matter for final disposal after twelve weeks.

-sd/-

18/04/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN AND MANAGING DIRECTOR
TAMIL NADU GENERATION AND ELECTRICITY
DISTRIBUTION CORPORATION LTD (TANGEDCO)
NO.144, ANNA SALAI, CHENNAI-600 002

2 THE CHIEF ENGINEER/ PERSONNEL
TAMIL NADU GENERATION AND ELECTRICITY
DISTRIBUTION CORPORATION LTD (TANGEDCO),
NPKRR MAALIGAI, 8TH FLOOR ,
NO 144, ANNA SALAI, CHENNAI 600002

C.C. to M/S.P.SUBRAMANIAN, Advocate, SR.No.2904/2022.

C.C. to M/S.M.BALASUBRAMANIAN, Advocate, SR.No.2939/2022.

C.C. to M/S.SUNDAR NARAYAN, Advocate, SR.No.2923/2022.

Order

in

W.M.P.Nos.11073 of 2021 and 3324 of 2022
in W.P No.10470 of 2021

Date :18/04/2022

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