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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.13321, 13324, 13325, 13327, 13328, 13329,
13330, 13335, 13343 and 13344 of 2022
and

W.M.P.Nos.12591, 12592, 12593, 12594, 12596,
12597, 12598, 12601, 12606 and 12607 of 2022

I.Thanaseelvi Mary	...Petitioner in W.P.No.13321 of 2022
V.C.Manivel	...Petitioner in W.P.No.13324 of 2022
C.Sowmiya	...Petitioner in W.P.No.13325 of 2022
T.Gugaiselvan	...Petitioner in W.P.No.13327 of 2022
K.Padmavathy	...Petitioner in W.P.No.13328 of 2022
M.Pushpanathan	...Petitioner in W.P.No.13329 of 2022
T.Asokan	...Petitioner in W.P.No.13330 of 2022
K.Perumal	...Petitioner in W.P.No.13335 of 2022
G.Mathubalan	...Petitioner in W.P.No.13343 of 2022
A.Rajan	...Petitioner in W.P.No.13344 of 2022

Vs.

1.The Chairman & Managing Director,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai - 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai - 600 002.

... Respondents in all W.Ps

COMMON PRAYER : Writ Petitions are filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to appoint the Petitioners as Field Assistants (Trainee) in pursuant to the results published based on the



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Notification No.1 of 2016 dated 28.02.2016 and as officially there are 2900 vacancies as per the Notification No.05/2020 dated 19.03.2020.

For Petitioners: Mr.A.E.Chelliah, Senior Advocate
For M/s.C.Vasanthakumari Chelliah
in all writ petitions

For Respondents: Mr. P.Subramanian
For TANGEDCO
in all writ petitions

C O M M O N O R D E R

These Writ Petitions have been instituted for a direction to appoint the petitioners as Field Assistant (Trainee) pursuant to the results published based on the Notification No.1 of 2016 dated 28.02.2016 and as officially there are 2,900 vacancies as per the Notification No.5 of 2020 dated 19.03.2020.

2.The learned Senior Counsel appearing on behalf of the writ petitioners mainly contended that the petitioners, pursuant to the notification issued in Notification No.1 of 2016 dated 28.02.2016, participated in the process of selection for appointment to the post of Field Assistant (Trainee). However, they did not fall within the zone of consideration and were not appointed. Subsequently, thousands of vacancies in the cadre of Field Assistant arose and the respondents have not initiated any action to fill up those posts by providing an opportunity to the persons who have participated in the selection during the year 2016.

3.The learned Senior Counsel articulated by stating that, several Gangmen were appointed in the TANGEDCO, who were all utilized to perform the duties of the Field Assistant and several accidents occurred and the concerns raised in this regard are not addressed by the competent authorities nor redressed. Thus, the actions of the respondents are not condonable and they are bound to consider all the candidates for appointment to the post of Field Assistants, more specifically, with reference to the selection conducted during the year 2016.

4.The learned Senior Counsel drew the attention of this Court with reference to the news published and the information provided regarding electrocution occurred due to the irregular actions of the respondents in allotting the Gangmen to perform the duties attached to the post of Field Assistant. These Gangmen are not qualified to perform the duties in the live electric wires. Contrary to the job responsibilities allotted to these Gangmen, they are made to perform other duties, which



resulted in accidents.

5.The learned Senior Counsel drew the attention of this Court to the Affidavit filed by the respondents before the High Court that they will not engage the Gangmen for breakdown and other technical works. When such an affidavit is filed before the High Court, the said affidavit is to be honoured by the respondents. But they are going on engaging these Gangmen for performing the duties and responsibilities attached to the post of wiremen, electricians, etc., which is a greater public concern and therefore, the case of the writ petitioners are to be considered for appointment to the post of Field Assistant (Trainee).

6.The learned counsel appearing for the respondents objected the contentions raised by the petitioners by stating that the petitioners were not within the zone of consideration in respect of selection of the year 2016 and the selected candidates numbering 900 were already appointed pursuant to the Notification No.1 of 2016 dated 28.02.2016. Thereafter, another notification was issued on 19.03.2020 for filling up 2,900 vacancies in the post of Field Assistant and the process of selection was discontinued on account of Covid-19 situation. Recently, the Government enacted Act 14 of 2022 and accordingly, the Tamil Nadu Public Service Commission has to recruit the candidates for appointment to the post of Field Assistant. Thus, the Board cannot recruit immediately and they have to approach the Tamil Nadu Public Service Commission for the purpose of selecting eligible candidates for appointment to the post of Field Assistant. As far as the writ petitioners are concerned, they participated in the process of selection and as per their ranking, they were not falling within the zone of consideration and accordingly, the selected 900 candidates were appointed and therefore, the writ petitions now filed after a lapse of six years is liable to be rejected.

7.The learned Senior counsel appearing on behalf of the petitioners stated that, over and above the notified vacancies of 900, now after a lapse of several years, the respondents have appointed some Field Assistants. The said statement is disputed by the learned counsel for the respondents by stating that, no appointments are made to the post of Field Assistants so far and the recruitment notification issued in the year 2020 was also cancelled.

8.Undoubtedly, certain serious concerns raised by the learned Senior counsel appearing on behalf of the writ petitioners are to be looked into by the TANGEDCO Authorities. However, those concerns cannot be a reason for granting the relief of appointment in favour of the writ petitioners. The



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relief sought for and the right established are to be tested for the purpose issuing a direction. In the present case, admittedly, the writ petitioners have participated in the process of selection for the year 2016 and they were not within the zone of consideration for appointment.

9.This Court is of the considered opinion that appointment can never be claimed as a matter of absolute right and appointments are to be made strictly in accordance with the recruitment rules in force. Equal opportunities in public employment is the Constitutional mandate. Thus, whenever a decision is taken for recruitment, the competent authorities are bound to follow the recruitment rules in force by providing equal opportunities to all the candidates who all are aspiring for securing public employment. Now, the process of selection to the post of Field Assistant is to be conducted by the Tamil Nadu Public Service Commission. The selection of the year 2016 cannot be considered now after a lapse of six years, more specifically, for the purpose of issuing a direction to appoint the writ petitioners as Field Assistants. That apart, the petitioners were not selected and appointed pursuant to their participation during the year 2016. Thus, the writ petitioners have not established any right for the purpose of granting the relief of appointment to the post of Field Assistant, as appointments are to be made in accordance with the recruitment rules in force. The writ petitioners were not within the zone of consideration during the year 2016 and the selected 900 persons were appointed and thereafter, no recruitment was conducted for the purpose of filling up the post of Field Assistant.

10.It is needless to state that, public institutions are expected to act in accordance with law in such circumstances where the Gangmen are utilized to perform the duties of wiremen, electricians, etc. The concerns raised by the learned Senior counsel is on public interest.

11.The petitioners are at liberty to participate in the process of selection for appointment to the post of Field Assistant, if any notification is issued by the competent selection authorities. With this liberty, these writ petitions stand dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar



ab/mkn

To

1.The Chairman & Managing Director,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai - 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation &
Distribution Corporation,
Chennai - 600 002.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.31771

+20cc to M/s.C.Vasanthakumari Chelliah, Advocate, S.R.No.31733
to 31742

W.P.Nos.13321, 13324, 13325, 13327, 13328,
13329, 13330, 13335, 13343 and 13344 of 2022

EV(CO)
SB(27/05/2022)