



W.P.No.4059 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

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V.Dhanakodi

.... Petitioner

VS

1. Tamil Nadu Generation and Distribution Corporation Limited,  
Represented by its Chairman and Managing Director,  
8<sup>th</sup> Floor, NPKRR Maligai,  
No.144, Anna Salai,  
Chennai-600 002.

2. The Chief Engineer (Personnel),  
Tamil Nadu Generation and Distribution Corporation Limited,  
8<sup>th</sup> Floor, NPKRR Maligai,  
No.144, Anna Salai,  
Chennai-600 002.

3. The Superintending Engineer,  
Tamil Nadu Generation and Distribution Corporation Limited, Cuddalore

.... Respondents

Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus directing the first respondent to promote the petitioner notionally as Assistant Accounts Officer with effect from 11.01.2010 instead of 10.02.2011, further promote him notionally as Accounts Officer with effect from 30.08.2011 instead of 08.07.2012



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and also as Deputy Financial Controller, with effect from 25.01.2013 with all monetary benefits.

For Petitioner : Mr.S.N.Ravichandran  
for Mr.R.Annamalai

For respondents : Mr.P.Subramanian

### O R D E R

This writ petition has been filed to direct the first respondent to promote the petitioner notionally as Assistant Accounts Officer with effect from 11.01.2010 instead of 10.02.2011 and to further promote him notionally as Accounts Officer with effect from 30.08.2011 instead of 08.07.2012 and also as Deputy Financial Controller, with effect from 25.01.2013 with all monetary benefits.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. The case of the petitioner is that he joined service in the then Tamilnadu Electricity Board (now re-designated as Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO) on 25.05.1979 as typist and posted at the Divisional Engineer's office at Tindivanam. Thereafter, he was promoted as Assistant (Accounts) in the year 1995 and was working in the office of the 3rd respondent. While so, he was promoted as Accounts Supervisor on 12.01.2007. He



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has also worked as Assistant Accounts Officer by way of additional charge for about 39 months between 31.08.2007 and 10.02.2011. Thereafter, he was promoted as Assistant Accounts Officer on 10.02.2011 and was promoted as Accounts Officer on 08.07.2012 and retired from service as Accounts Officer on 31.05.2013 from the office of the 3rd respondent. Though the petitioner was fully qualified for promotion from the year 2001 to the post of Assistant Accounts Officer, his promotion had been indefinitely postponed. He got promotion as Assistant Accounts Officer belatedly only on 10.02.2011, as a result of which, his promotion as Accounts Officer was delayed and consequently, he could not get promotion as Deputy Financial Controller. In this regard, the petitioner has also given representations to the respondents on 01.03.2011 and 28.12.2012. Hence, the petitioner has sought for the relief stated supra.

4. In the counter affidavit filed by the 2nd respondent, it is stated that the petitioner had not been considered for promotion to the post of Assistant Accounts Officer in view of the order issued in (per) FB TANGEDCO proceedings No.5 (Adm.Branch) dated 08.04.2011 as he had obtained the degree through Open University without passing PUC/+2 as the said degree cannot be considered for passing Accountancy Higher Grade. However, he had passed the



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Accountancy Higher Grade exam only on 15.02.2010 which is one of the requisite Qualification for promotion to the post of Assistant Accounts Officer and he was later promoted as Assistant Accounts Officer in the subsequent panel issued dated 08.02.2011 for the crucial date 25.03.2010 and further promoted as Accounts Officer on 04.07.2012 and retired from service on 31.05.2013. It is further submitted that Thiru.S.Kadermohideen (Placed Rank in the 1st seniority list as 43) and Tmt.N.Santhakumari (Placed Rank in the 1st seniority list as 65) who are seniors of the petitioner, got promoted as Assistant Accounts Officer only on 23.03.2013 i.e, the date on which the B.Com., Open University System was considered as equivalent to prescribed test and they are promoted to Higher post only from the above said date.

5. Learned counsel for the petitioner has now produced before this Court, the proceedings of the 2nd respondent dated 01.08.2022 in Memo No.029113/266/G.30/ G.301/2013-10, wherein the persons who were juniors to the petitioner and who have passed B.Com., degree through Open University System without passing +2, have been considered and the same was also not denied by the learned counsel appearing for the respondents.

6. Under such circumstances, this Court is of the view that the



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petitioner is entitled for the benefit extended to his juniors in proceedings dated 01.08.2022. Therefore, the 1st respondent is directed to consider the claim of the petitioner in the light of the aforesaid proceedings dated 01.08.2022 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

13.12.2022

Index:Yes/No  
Speaking/Non-speaking order  
vsi

To

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**J.NISHA BANU,J.**

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