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W.P.No.9744 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9744 of 2017

and

W.M.P.No.10718 of 2017

1. D.Abey Rajkumar Assessor Gr-II,
O/o. Assistant Engineer,
O&M / Town / Arakkonam,
TANGEDCO Ltd., Arakkonam Division,
Vellore Electricity Distribution Circle.
2. V.Jayaraj, Assessor GR -II,
O/o. Junior Engineer,
O&M / Rural /East/ Arakkonam,
TANGEDCO Ltd., Arakkonam Division,
Vellore Electricity Distribution Circle.
3. J.Babu, Assessor Gr-II,
O/o. Junior Engineer,
O&M / Rural /North/ Arakkonam,
TANGEDCO Ltd., Arakkonam Division,
Vellore Electricity Distribution Circle.
4. R.Karnan, Assessor Gr-II,
O/o. Junior Engineer,
O&M / Rural /East/ Punnai,
TANGEDCO Ltd., Arakkonam Division,
Vellore Electricity Distribution Circle.
5. M.Kumar, Assessor Gr-II,



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W.P.No.9744 of 2



O/o. Junior Engineer,
O&M / Rural /North/ Gujjarapet,
TANGEDCO Ltd., Arakkonam Division,
Vellore Electricity Distribution Circle.

...Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer Personnel,
Tamilnadu Generation and Distribution Corporation Ltd.,
144, Anna Salai Chennai- 600 002.
3. The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Katpadi, Vellore 632 006.

...Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records in connection with circular viz. Memo No.072028/ 997/ G.26/ G.261/ 2012-7, dated 14.2.2014 issued by the 2nd respondent and quash the same in so far as demanding Minimum General Qualification namely S.S.L.C. Pass in respect of the petitioners for the purpose of promotion to the post of Assessor and direct the 2nd and 3rd respondents to issue the order of promotion/appointment to the petitioners to the post of Assessor vis a vis their juniors with all consequential benefits awards costs.

For Petitioner

: Mr.K.Krishnamoorthy



WEB COPY

W.P.No.9744 of 2



For Respondents

: P.Subramanian
for TANGEDCO

ORDER

The order of rejection, rejecting the claim of the writ petitioners for promotion to the post of Assessor is under challenge in the present writ petition.

2. Initially the petitioners were engaged as contract laborers and thereafter they were brought under the regular establishment in the sanctioned post pursuant to the report of Justice Khalid Commission. The services of the writ petitioners were regularised in the sanctioned post and the time scale of pay was granted.

3. The petitioners were appointed as Assessor Grade II, in the respondent Board during the relevant point of time and while absorbing these contract labourers into the regular establishment pursuant to the recommendations of Justice Khalid Commission, the authorities found that many such contract labourers did not possess the minimum requisite qualification for appointment to the post of Assessor Grade II. Accordingly



the respondent Board issued B.P.No.212, Secretariat Branch, dated 06.08.1991, relaxing the service regulations relating to minimum general educational qualification. General relaxation was granted during the relevant point of time by the respondent Board for the purpose of appointing unqualified persons to the sanctioned post.

4. The contract labourers who served for long years were absorbed permanently based on the report of Justice Khalid Commission. At that point of time, the relaxation of educational qualification was granted in general for the purpose of appointing those unqualified persons in the entry post in any clause of service. Such general relaxation granted for appointment at the initial cadre cannot be relied upon for the purpose of granting further promotion to the higher posts. General relaxation was granted only for the initial appointment and not for promotion at every stage. In the event of accepting the grounds raised by the petitioner that once relaxation is granted, it is relaxed for the entire service, then it will result in an anomalous situation where unqualified persons will hold higher posts which would cause damage to the administration.



5. Every promotion is to be made strictly in accordance with the rules in force. Unqualified employees are not eligible to get the promotion. Relaxation is to be granted only in exceptional circumstances. Power of relaxation is provided to the authorities only to litigate the injustice, if any, occurred to a person or a group of persons. Thus, relaxation is an exception which is to be exercised discreetly and cannot be exercised for the purpose of grant of promotion to the employees.

6. Therefore, the Board proceedings, dated 06.08.1991 is confined only to the initial appointment of the writ petitioners to the post of Assessor Grade II, with reference to the minimum educational qualification of S.S.L.C. If at all, such relaxations are extended for promotion, then all unqualified persons will get promotion to the higher posts which is impermissible and in violation of the promotion rules which all are in force. If at all any person appointed, at the entry cadre acquired the necessary qualification, then those employees are to be considered for promotion in accordance with the promotion rules in force.

7. In the present case the petitioners did not possess the minimum



educational qualification even for their entry cadre and they were appointed by way of relaxation of rules, and such relaxation cannot be extended for promotion. If at all the petitioners acquired the requisite qualification, then alone their case is to be considered for promotion in accordance with the rules and by following the procedures as contemplated. Thus, this Court finds no infirmity in respect of the reasons stated in the order impugned.

8. Accordingly, this writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2022

Index : Yes
Speaking order
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To

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WEB COPY

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S.M.SUBRAMANIAM, J.

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