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W.P.No.30409 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.30409 of 2022

S.Balakrishnan

... Petitioner

Versus

The Chief Engineer/Personnel
Tamil Nadu Electricity Generation and Distribution Circle,
144, 8th Floor, Annasalai,
Chennai-600 002

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents to regularise the seniority of the petitioner in the panel list dated 28.10.2010 placing him in Sl.No.45 and by considering the representation of the petitioner dated 26.01.2017.

For Petitioner : Mr.P.Mahalakshmi
For Respondent :Mr.P.Subramanian
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to regularise the seniority of the petitioner in the panel list dated 28.10.2010 by placing him in Sl.No.45 based on his representation dated 26.01.2017.



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2. The petitioner's case is that in the year 2010, he was imposed punishment in a disciplinary proceeding, under which, punishment imposed was stoppage of increment for a period of one year with cumulative effect. According to the petitioner, he preferred an appeal and the punishment was modified to one of stoppage of increment for one year without cumulative effect. The modification order was passed in the year 2014. According to the petitioner, as per the modification order, the punishment imposed on the petitioner ended in the year 2012 itself. However, in the promotion panel drawn by the respondent, the petitioner's name was excluded. According to the petitioner, even though the petitioner was placed as No.1 in the seniority in the promotion panel for the year 2013, he claims that he was not granted promotion as per the said panel. In such circumstances, the petitioner has given several representations and the last representation given by the petitioner was on 26.01.2017 requesting the respondent to regularise the seniority of the petitioner in the panel list dated 28.10.2010 by placing him in Sl.No.45. Further, according to the petitioner, the representation of the petitioner has not been considered till date. In such circumstances, the petitioner has filed this writ petition.

3. Heard Mrs.P.Mahalakshmi, learned counsel appearing for the

<https://www.mhc.tn.gov.in/judis>

petitioner and Mr.P.Subramanian, learned Standing Counsel accepts notice on



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behalf of the respondent. By consent of both the parties, the main writ petition

has been taken up for final disposal.

4. The petitioner has filed documents along with this writ petition to substantiate his claim that his seniority ought to have been regularised in the panel list dated 28.10.2010 placing him in Sl.No.45. It is for the respondent to consider the same on merits and in accordance with law.

5. The petitioner had earlier given representation on 26.01.2017 for the said purpose. Since the representation is an old one, the petitioner will have to give a fresh representation.

6. No prejudice would be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondent requesting the respondent to regularise the seniority of the petitioner in the panel list dated 28.20.2010 by placing him in Sl.No.45 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondent



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ABDUL QUDDHOSE, J.

sr

weeks thereafter.

With the aforesaid direction, the writ petition is disposed of. No costs.

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

The Chief Engineer/Personnel
Tamil Nadu Electricity Generation and Distribution Circle,
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