



WEB COPY



W.P. No.31810 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.31810 of 2022

Saravanan

...Petitioner

VS.

1. The Chairman Cum Managing Director,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
N.P.K.R.R. Maligai,
Chennai – 600 002.

2. The TANGEDCO,
Represented by the Secretary,
No.144, Anna Salai,
N.P.K.R.R. Maligai,
Chennai – 600 002.

3. The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R. Maligai,
Chennai – 600 002.

4. The Superintending Engineer,
O/o. Superintending Engineer,
Tirupathur Electricity Distribution Circle,
Tirupathur.

...Respondents



W.P. No.31810 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to include petitioner in the promotion panel list for the post of Accounts supervisor called for by the 3rd respondent by way of letter No.018279/258/G.52/G.521/2022, dated 21.06.2022 by considering petitioner representation dated 01.10.2022.

For petitioner : Mr.D. Bennington
For respondents : Mr.K. Rajkumar,
Standing Counsel

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr. K. Rajkumar, learned Standing counsel accepts notice for the respondents / TNEB.

3. The petitioner apprehends that his name will not be included in the promotion panel for the post of Accounts supervisor to be called for by the 3rd respondent. According to the petitioner, he was promoted to the post of Assistant belatedly and his juniors were promoted to the said post much earlier. It is his case that even in the earlier promotion panel for the post of Assistant in the year 2019, his name was not included along with his juniors, but only thereafter in the month of December



W.P. No.31810 of 2022

2021, he was promoted to the post of Assistant. Similarly, he apprehends that for the next promotional post of Accounts Supervisor, his name may not be included in the promotion panel likely to be called for, shortly by the 3rd respondent. In such circumstances, he has given a representation on 01.10.2022 requesting to include his name in the promotion panel for the post of Accounts Supervisor. Since the representation has not been considered till date, he has filed this writ petition.

4. Heard Mr.D. Bennington, learned counsel for the petitioner and Mr.K. Rajkumar, learned Standing counsel for the respondents / TNEB.

5. At the outset, the learned Standing counsel appearing for the respondents would submit that the present writ petition is not maintainable on the ground that the petitioner had not challenged the earlier promotion panel drawn for the post of Assistant in the year 2019, where the petitioner's name was excluded.

6. The learned Standing counsel also relies upon a judgment of the Division Bench of this Court dated 22.09.2020 in the case of ***S.Periyasamy vs. The Chairman cum Managing Director and two others in W.P. No.9328 of 2020*** and would submit that as per the said judgment, the petitioner is not eligible to be included in the proposed



W.P. No.31810 of 2022

promotion panel for the post of Accounts Supervisor. The said contention of the learned Standing counsel is recorded.

7. However, since the petitioner reiterates his claim for inclusion in the promotion panel for the post of Accounts Supervisor to be called for shortly by the 3rd respondent, this Court is of the considered view that no prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the 4th respondent to pass final orders on merits and in accordance with law, on the petitioner's representation, dated 01.10.2022 seeking for inclusion of his name in the promotion panel for the post of Accounts Supervisor to be called for by the 3rd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition stands disposed of. No costs.

28.11.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



W.P. No.31810 of 2022

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W.P. No.31810 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. No.31810 of 2022

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