



WEB COPY

W.P.No.33495 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 33495 of 2017

M. Saraswathi

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation,
No. 144, Anna Salai, Chennai – 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Generation & Distribution Corporation,
No. 144, Anna Salai, Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner dated 28.01.2015 and give promotion to the post of Accounts Supervisor with effect from 16.03.2008 and to provide all consequential benefits including monetary benefits.

For Petitioner	: Mr. E. Dorai Vaiyapuri for Mr. S. Doraisamy
For Respondents	: Mr. P. Subramanian Standing Counsel for EB



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W.P.No.33495 of 2015



ORDER

The relief sought for in the present writ petition is to direct the respondents to consider and pass orders on the representation of the petitioner dated 28.01.2015 and give promotion to the post of Accounts Supervisor with effect from 16.03.2008.

2. The petitioner joined in the respondent Electricity Board on 28.12.1983 as Helper. He passed SSLC in the year 1987. On 04.02.1991, the petitioner was promoted to the post of Junior Assistant (Accounts) and further promoted to the post of Assistant (Accounts) on 06.08.1997. The petitioner states that he passed B.Com., degree in Annamalai Open University on 23.05.2006 and promoted to the post of Assistant (Selection Grade) on 05.08.2006. Based on the B.Com., decree, two increments were also given to the petitioner on 28.11.2006.

2. The petitioner states that the next avenue for promotion is to the post of Accounts Supervisor. The case of the petitioner was not considered for promotion. Thus, he submitted a representation to grant retrospective promotion on par with his juniors.



3. The learned counsel for the respondents made a submission that the petitioner is not qualified for promotion as he passed the open university decree which is an invalid decree as per the judgment of the Supreme Court in Civil Appeal No. 4173 of 2008, dated 25.02.2009, which was implemented by the Government of India. Annamalai Open University decrees obtained from Annamalai University are declared invalid by the Supreme Court of India and the said judgment was implemented by the Government of India and therefore the decrees obtained through open university are not valid for the purpose of appointment in public services. However, the petitioner was promoted to the post of Assistant (Accounts) as per his seniority.

4. The learned counsel for the respondents brought to the notice of this Court that the petitioner was granted promotion as Accounts Supervisor in the year 2013 and now retired from service.

5. This being the factum, the petitioner is not eligible for promotion from the year 2008 and further he has acquired the decree from Annamalai Open University. For all these reasons, the relief as such sought for to direct the respondents to consider the representation if granted, would do no



service to the cause of justice but the petitioner will be back again with another writ petition, which is not desirable, since the petitioner is not eligible. This court is not inclined to consider the relief. Accordingly, the writ petition stands dismissed. No costs.

19.10.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation,
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2. The Chief Engineer (Personnel),
Tamil Nadu Generation & Distribution Corporation,
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S.M.SUBRAMANIAM, J.

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