

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14425 of 2017

And

WMP 15634 of 2017

Ms.P.Mullai

..

Petitioner

vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

2.The Secretary,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer,
Materials Management,
Tamil Nadu Generation and Distribution

Corporation Ltd (TANGEDCO),
4th Floor, Western Wing,
NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

4.The Director – Distribution,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
10th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

5.The Chief Engineer – Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
8th Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

6.E.Irulappan

7.K.Mohan

8.S.R.Muralidharan

9.M.Muthulakshmi

10.S.Amudha

11.A.N.N.Amudha

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India,

praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in proceedings (per.) CMD TANGEDCO Proceedings No.139 dated 29.05.2017 issued by the first and second respondents and quash the same consequently directing the respondents 1 to 5, to list the name of the petitioner on top of the list of the eligible candidates in the promotion rank list.

For Petitioner : Mr.B.Hari Babu

For Respondents-1 to 5 : Mr.P.Subramani,
Standing Counsel for TANGEDCO.

For Respondents-6 to 11 : No Appearance

O R D E R

The order of rejection rejecting the claim of the writ petitioner to include her name in the panel of Personnel Officers for promotion to the post of Senior Personnel Officers of the year 2017-2018, is under challenge in the present writ petition.

2. The petitioner states that her work as Personnel Officer/Inspection Team on the Administrative Branch of Tamil Nadu Electricity Board. She states that she is eligible for promotion to the post of

Senior Personnel Officer in the panel of the year 2017-2018.

3. The petitioner has been ranked second behind Mr.S.Kumar in the panel prepared for promotion to the post of Senior Personnel Officer in the panel of the year 2017-2018. However, the petitioner was not promoted.

4. The impugned order passed by the first and second respondents stating that the petitioner was not considered for promotion, since a charge had been framed against her under Rule 8 (b) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations. Pendency of departmental disciplinary proceedings is a bar for promotion as per the Regulations.

5. In the present case, a charge memo was issued against the writ petitioner vide memo dated 29.04.017 and therefore, the case of the petitioner was not considered for grant of promotion to the post of Senior Personnel Officer. In this regard, paragraphs 5 and 6 of the counter-affidavit filed by the second respondent, read as under:-

“5. The petitioner while working in the Office of the Chief Engineer/Materials Management had proceeded on leave without obtaining prior permission from the Competent Authority to avoid the work entrusted on her relating to signing in Form-16 of I.T. Return pertaining to the Officer/Employees and to avoid in signing in high value bills. Therefore, following charges were framed against the petitioner vide Memo.No.14824/A5/A51/2017-1, dated 29.04.2017 under Regulation 8(b) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations read with Tamil Nadu Electricity (Re-Organisation and Reforms) Transfer Scheme, 2010):-

“Selvi P.Mullai/Personnel Officer / Inspection Team/ Administrative Branch/Chennai, while working as Personnel Officer/Unit-III, O/o.Chief Engineer /Materials Management/Chennai had availed frequent long leave without prior permission from the Competent Authority to avoid signing in Form-16,

Income Tax Return related papers for Officers/Employees and high value bills. She had kept the files untouched for several months and returned them without any reasons or remarks.

On several occasions, she had proceeded on leave without obtaining prior approval from the Competent Authorities. She had submitted the leave application while she was on leave and on one occasion, she had submitted her leave application after exhausting the leave.

Thus Selvi P.Mullai, then Personnel Officer/Unit-III, O/o.Chief Engineer/ Materials Management/ Chennai) now Personnel Officer/ Inspection Team/ Administrative Branch/Chennai) has (I) failed to maintain absolute integrity/devotion to duty; (II) failed to show obedience to her superiors; and (III) failed to be punctual at work, thereby contravened Regulations 3(a), 3(b) and 3(d) of the

TNEB Employees' Conduct Regulations read with Tamil Nadu Electricity (Re-Organisation and Reforms) Transfer Scheme, 2010."

6. In view of the above disciplinary proceedings, the name of the petitioner has not been included in the panel for promotion to the post of Senior Personnel Officer for the year 2017-2018. As against the non-inclusion of her name in the panel for promotion to the post of Senior Personnel Officer, the petitioner has now filed the present writ petition praying for a direction to quash the above order."

6. In view of the fact that the petitioner was facing charges under Rule 8 (b) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations, her name was not considered for promotion in accordance with the Regulations. Thus, there is no infirmity as such.

7. After the disposal of the departmental disciplinary

proceedings and if the petitioner was exonerated, then alone her name is to be considered for promotion to the post of Senior Personnel Officer and therefore, the petitioner is not entitled for the relief, as such, sought for in the present writ petition.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

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S.M.SUBRAMANIAM, J.

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