



WP No.14823 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-10-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14823 of 2017

And

WMP No.16064 of 2017

T.Velayutham

..

Petitioner

vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus, directing the respondents



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herein to consider and appoint the petitioner herein in the post of ITI Helper (Trainee) and to extend the benefits on par with those candidates who were recruited on 20.02.2014 by considering his final detailed representation dated 28.04.2017.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.Subramanian,
Standing Counsel for TANGEDCO.

ORDER

The relief sought for in the present writ petition is to direct the the respondents to consider and appoint the petitioner in the post of ITI Helper (Trainee) and to extend the benefits on par with those candidates, who were recruited on 20.02.2014 by considering the representation submitted by the writ petitioner on 28.04.2017.

2. The writ petition was filed based on the Division Bench judgment of this Court in WA No.81 of 2015 dated 14.10.2015.

3. The order passed by the Division Bench of this Court in WA No.81 of 2015 dated 14.10.2015 was taken by way of an appeal before the



Hon'ble Supreme Court of India and the said appeal [**R.Muthukumar vs.**

TANGEDCO – 2022 SCC OnLine SC 151] was allowed in favour of the

respondent-TANGEDCO and the relevant paragraphs-27 and 28 read as under:-

27. It is thus, evident that in Aravind Kumar Srivastava (supra) the previous orders of the tribunal and the court were based on merits adjudication, and not based on concession; certainly not based on compromise. It was in the background of such facts that denial of relief to similarly situated claims, was held to be unjustified. Most importantly, for the purpose of this case, the court carved out an exception : that subsequent litigants, wishing to benefit from orders made in others' cases, had to approach the courts in time, without delay or laches. In the facts of this case, there is no question of any finality to the compromise order : it cannot be treated, by any stretch of the imagination, as an order in rem, or as a binding precedent. Also, the aggrieved appellants, and the contesting candidates (in TANGEDCO's appeal) did not approach the court in time. They woke up after the compromise order,



claiming parity, and filed petitions in the court. Clearly, therefore, they cannot claim any benefit from the compromise order.

28. A principle, axiomatic in this country's constitutional lore is that there is no negative equality. In other words, if there has been a benefit or advantage conferred on one or a set of people, without legal basis or justification, that benefit cannot multiply, or be relied upon as a principle of parity or equality. In Basawaraj vs. Special Land Acquisition Officer [(2013) 14 SCC 81], this court ruled that:

“8. It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right



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on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated.”

4. In view of the judgment of the Hon'ble Supreme Court of India, cited supra, the writ petitioner is not entitled for the relief as such sought for in the present writ petition.

5. 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.

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S.M.SUBRAMANIAM, J.

Svn

To

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