



WEB COPY



W.P.No.25431 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25431 of 2017

Tamil Nadu National Electricity Workers Federation
Regn.No.1544 / MDS (Affiliated to INTUC No.11871)
Rep.by its General Secretary Mr.R.Swarnarasu,
52, Dr.Subbarayan Road, Salem – 636 001.
Petitioner

...

-Vs-

1. The Chief Engineer (Personnel)
TANGEDCO, NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chairman - Cum Managing Director
TANGEDCO, NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to direct the respondents to consider petitioners representation dated 22.08.2017 and follow the procedures of Seniority to the post of Executive Engineer.

For Petitioner : Mr.S.Mukunth for
M/s.Sarvabhauman Asso.



W.P.No.25431 of 2017

For Respondents : Mr.K.Raj Kumar for TANGEDCO

ORDER

WEB COPY

The relief sought in the present writ petition is to direct the respondents to consider the representation submitted by the writ petitioner on 22.08.2017 and follow the procedures of seniority to the post of Executive Engineer.

2. The representation submitted by the writ petitioner states that certain Assistant Executive Engineers are deprived of their promotion to the post of Executive Engineer. In this regard, the petitioner Trade Union submitted a representation to promote those Assistant Executive Engineers to the post of Executive Engineers.

3. Primarily, the Assistant Executive Engineers or the Executive Engineers cannot continue as a member of a Trade Union, which is registered under the provisions of the Trade Unions Act and functioning for the welfare of the workmen, serving in the Tamil Nadu Electricity Board. That apart, the petitioner Union is a Trade Union and the promotion rules applicable to the post of Executive Engineer are entirely different and not governed under the settlement of Industrial Disputes



W.P.No.25431 of 2017

WEB COPY

4. In respect of the promotion, it is an individual grievance, and therefore, the aggrieved officials themselves have to approach the competent authorities and the Court of law as the case may be. Contrarily, the Union cannot give representation to grant promotion to the post of Executive Engineer and thereafter, file a writ petition for a direction to consider their representation. Even for issuing a direction to consider the representation, the petitioner has to establish a right, and then only the Court will be in a position to consider issuing a direction to the authorities competent.

5. In the present case, the petitioner Trade Union has not established even a semblance of legal right for the purpose of considering the relief as such sought in the present writ petition.

6. Accordingly, this writ petition stands **dismissed**. There shall be no order as to costs.

28.11.2022

Index : Yes

Speaking order



W.P.No.25431 of 2017



WEB COPY



W.P.No.25431 of 2017

S.M.SUBRAMANIAM.J.,

sha

To

1. The Chief Engineer (Personnel)
TANGEDCO,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chairman - Cum Managing Director
TANGEDCO,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

W.P.No.25431 of 2017

28.11.2022