



W.P.(MD)No.21980 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21980 of 2015

and

M.P.(MD)No.1 of 2015

S.Raju

... Petitioner

Vs.

1. The Chairman

TANGEDCO

(Formerly Tamil Nadu Electricity Board,
NPKRR Maligai,
No.144, Anna Salai,
Chennai – 600 002.

2. The Regional Chief Engineer,

TANGEDCO

(formerly Tamil Nadu Electricity Board)
K.Pudur, Madurai.

3. The Superintending Engineer,

TANGEDCO,

(formerly Tamil Nadu Electricity Board)
Sivagangai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in K.No. 08504-1/MePo/CiMiPava/Siva/VuNiA/NiPi2/Vu1/Ko.Kattu/2015, dated 15.10.2015, quash the same and consequently, direct the respondents herein to grant notional promotion of the petitioner as Foreman due in the year 2009 on par with co-employees of similarly placed Line Inspector.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.M.Parameswari
Standing Counsel

ORDER

This writ petition is filed challenging the impugned order, dated 15.10.2015 and consequently, direct the respondents to grant notional promotion as Foreman due in the year 2009 on par with co-employees of similarly placed Line Inspector.

2. The petitioner was qualified as old SSLC and Diploma Course in technical line in the Government Industrial Training Centre.



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The petitioner was appointed as Assistant on 16.11.1987 and regularized after 11 years and promoted as Wireman on 04.06.1998. Again the petitioner was further promoted as Line Inspector on 31.12.2007 and he was allowed to retire on 31.12.2011 and attained superannuation.

3. The contention of the petitioner is that in the year 2009, a panel was drawn for promotion to the post of Foreman as per seniority. The petitioner's name was included in the panel to the post of Foreman and he was fit to be promoted for the said post. Since there was a stay order passed by the Honourable Court, in regard to preparation of panel for Foreman and citing the stay order, the promotion of Foreman was not proceeded at Madurai District and the promotion to the Line Inspector was postponed. Subsequently, the petitioner submitted a representation to the third respondent. The third respondent, vide proceedings, dated 27.09.2010 informed the petitioner that his request was scrutinized and on verification it was seen that as per the rules Line Inspector / Commercial Inspector eligible were given promotion as per the panel. Thereafter the petitioner was not granted any promotion, nor even



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notional promotion. The petitioner claims he is entitled atleast to notional promotion after retirement since the said promotion which was due to the petitioner in the year 2009.

4. The contention of the petitioner is that the postponement of promotion as Foreman is due to the lapse or fault of the respondent. However, such promotion was granted to co-employees who were eligible candidates found in the panel for promotion in Virudhunagar District. Hence, the petitioner submitted a representation to the Chief Engineer, K.Pudur, Madurai and other higher authorities. In spite of repeated representation, the same was not granted. Hence, the petitioner has filed a writ petition in W.P.(MD)No.7779 of 2015 and this Court has directed the respondent to consider and pass orders. Thereafter, the third respondent has issued a communication, dated 25.08.2015 informing the petitioner that as per the service rules of the Board, no one was given promotion as Foreman from the post of Electrical Line Inspector as claimed by the petitioner and directed the petitioner to furnish any such instance that has taken place. The petitioner submitted a reply, dated



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15.09.2015, narrating the above facts and brought to the notice of the respondent that some of the persons were granted promotion. Even after the receipt of the reply, the third respondent has passed the impugned order, dated 15.10.2015, stating that there is no rule or procedure for granting notional promotion for the post of Foreman.

5. The third respondent has filed a counter affidavit stating that after the post of Wireman, the petitioner was granted Commercial Inspector post which is equivalent to Line Inspector, vide proceedings, dated 11.07.2015. But the petitioner refused to join in the post of Commercial Inspector. Thereafter, the petitioner was promoted as Line Inspector and joined duty on 31.12.2007. The Foreman Grade I is the next promotion and the panel was prepared, vide memo, dated 26.11.2009, wherein, the candidates who are serving as Commercial Inspector and Line Inspector who are coming in the zone of consideration were in the list and the panel is valid until 25.11.2010 and the petitioner's name was also found in Sl.No.20, but the said panel lapsed after one year and the petitioner was not granted promotion. The



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petitioner attained superannuation on 31.12.2011. Since the petitioner's name is in the panel, the petitioner is seeking notional promotion even after superannuation. However, the said panel was lapsed after one year. Before preparing the next year panel, the petitioner has attained superannuation. Thereafter, the respondents have not considered the petitioner's case. The petitioner has lost his rights when he rejected the offer to include the petitioner's name as Commercial Inspector, vide order, dated 11.07.2005. If the petitioner had accepted such offer, he would have been promoted as Foreman even prior to 2009 itself. In such circumstances, the petitioner is not having any right to claim any notional promotion. Therefore this Court is not inclined to interfere with the impugned order and hence the writ petition is liable to be dismissed.

6. For the reasons stated above, this Writ Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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S.SRIMATHY, J

jbr

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