



W.P.Nos.29355 & 14025 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 28.11.2022

Orders delivered on 16.03.2023

CORAM :

THE HON'BLE Mrs.Justice **J.NISHA BANU**

W.P.No.29355 & 14025 of 2008

and

M.P.Nos.1 to 3 of 2008

W.P.No.29355 of 2008

Tamil Nadu Electricity Board,
Dr.Ambedkar Paniyalar & Poriyalar Sangam,
TNEB (Reg.No.3219/CNI)
rep. by its State General Secretary
Mr.P.Subramanian

... Petitioner

Vs

1. Tamil Nadu Electricity Board,
rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer/ Personnel,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
No.144, Anna Salai,
Chennai - 600 002.

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorarified Mandamus to call for records relating to the temporary seniority list dated 1.1.1996 in respect of Junior Engineer (Electl.)Grade I and the communication in Ref.No. 058834/290/G1/GII/2008-2 dated 25.07.2008 issued by the 2nd respondent and quash the same and consequently direct the respondents to revise the seniority list in Junior Engineer (Electrical) Grade-I by placing 109 SC/ST candidates above 158 persons enumerated in the impugned order dated 25.07.2008 and promote them as Assistant Executive Engineer (Electrical) within a a reasonable time that may be fixed by this Court.

For Petitioner	: Ms.Raji for Mr.S.Saravanakumar
For Respondents	: Mr.K.Rajkumar Standing Counsel

W.P.No.14025 of 2008

1. M.Sundaraju,
Junior Engineer I Grade
2. T.Thenarasu,
Junior Engineer I Grade



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3. A.Ashokraj,
Junior Engineer I Grade
4. Subramanian
Junior Engineer I Grade
5. M.Thangaraj,
Junior Engineer I Grade
6. Kasu Manian
Junior Engineer I Grade
7. A.Ramakili,
Junior Engineer I Grade
8. M.Pattaverayan
Junior Engineer
9. A.Chellaiyan
Junior Engineer I Grade
10. C.Baskar
Junior Engineer I Grade
11. P.Chellapandian,
Junior Engineer I Grade
12. T.Anbazzhagan
Junior Engineer I Grade
13. C.Kuppu,
Junior Engineer I Grade



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14. P.Muniah,
Junior Engineer I Grade

15. PR.Arumugam,
Junior Engineer I Grade

16. V.Marimuthu,
Junior Engineer I Grade

17. P.Selvakumar

18. C.Karuppiah,
Junior Engineer I Grade

19. M.Muniasamy,
Junior Engineer I Grade

20. S.Baskaran
Junior Engineer I Grade

.. Petitioners

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer, Personnel,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

3. The Tamilnadu Electricity Board
Engineer's Sangam, rep by its General Secretary,
No.144, Anna Salai,
Chennai - 600 002.

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorarified Mandamus to call for records of the 2nd respondent Letter No.090389/ 284/G1//G11/2007-4 dated 12.09.2007 and quash the same insofar as it fails to include the petitioners names for being considered for promotion to the post of Assistant Executive Engineer by placing them in the appropriate roster points as per the T.N.E.B. Service Regulation and consequently direct the 1st and 2nd respondents to include the petitioners names for being considered for promotion to the post of Assistant Executive Engineer in the Annexure of the impugned letter by placing them in the appropriate roster point and carried forward the reversed turns backlog vacancies for SC/ ST employees as per the T.N.E.B. Service Regulation.

For Petitioner	: Mr. G.Anandakumar
For Respondents	: Mr.K.Rajkumar
	Standing Counsel for R1 & R2

COMMON ORDER

1. (i) W.P.No.29355 of 2008 has been filed by the Tamilnadu Electricity Board, Dr.Ambedkar Paniyalar & Poriyalar Sangam challenging



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the temporary seniority list dated 1.1.1996 in respect of Junior Engineer (Elect.) Grade I and the communication dated 25.07.2008 issued by the 2nd respondent and consequently, direct the respondents to revise the seniority list of Junior Engineer (Electrical) Grade-I by placing 109 SC/ST candidates above 158 persons enumerated in the impugned order dated 25.07.2008 and promote them as Assistant Executive Engineer (Electrical) within a reasonable time that may be fixed by this Court.

(ii) W.P.No.14025 of 2008 have been filed challenging the order passed by the 2nd respondent respondent in not considering the petitioners for promotion to the post of Assistant Executive Engineer and consequently, direct the 1st and 2nd respondents to include the petitioners names for being considered for promotion to the post of Assistant Executive Engineer by placing them in the appropriate roster point and carried forward the reversed turns backlog vacancies for SC/ ST employees as per the T.N.E.B. Service Regulation.

2. Since the issue involved in both the writ petitions are one and the



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same, the following common order is passed.

3. The brief facts of the case are stated as follows:

(i) Prior to 1975, the method of recruitment provided in TNEB Service Regulations for various initial level categories of posts including J.E.Grade II was by direct recruitment only. Thereafter, the Board accepted the demand of the Unions and introduced internal selection to the initial level categories of posts from among the qualified employees available in the service of the board. Subsequently, the Board has introduced internal selection by amending TNEB Service Regulation 92 vide B.P.Ms.No.854 dated 16.05.1979.

ii) During the period 1977 and 1980, about 802 J.Es Grade II have been selected by the respondent Board through internal selection. In the said selection the Board has not followed 18% of reservation for SC/ST candidates. The Board had not filled the backlog vacancies arisen from the year 1977 to 1984. The petitioners were appointed as JE/Elec.Grade II in the year 1989 against the SC/ST reserved turns which remained unfilled during



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the years from 1977 to 1984. The Board has appointed 746 Junior Engineers/ Electrical Grade II in the year 1987. As per Board's rules relating to reservation, the Board should have appointed 142 SC/ST candidates as J.E. Grade II as per 18% of reservation, whereas only 41 SC/ST candidates have been appointed. As per the Board's proceedings in B.P.Ms.No.985 dated 26.07.1977, the Board should have considered the petitioners to the post of J.E. Grade II in the year 1986 itself when they were appointed as Technical Assistants.

iii) Even during the year 1987, internal selection for appointment to the post of JE/Electrical Grade II was made without filling the unfilled reserved SC/ST turns which remained vacant in the previous internal selections though qualified SC/ST candidates were available at that time of appointment. If the Board had filled the SC/ST backlog vacancies prior to the internal selection made in the year 1987, the petitioners would have got appointment as Junior Engineer/Electrical Grade II in the year 1986 itself and thereby they would have gained higher seniority over the candidates selected in the year 1987 through internal selection. 746 JE/Electrical Grade



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II were appointed by internal selection in the year 1987 and were promoted to the post of J.E.Electrical Grade I in the year 1991.

iv) The Board has not maintained proper seniority list in respect of J.E./Elec. Grade I post and it has maintained two seniority list, one is permanent seniority list which contains Sl.No.1 to 1320 and another is temporary seniority list contains Sl.No.1321 to 2268. The petitioners were shown in the temporary seniority list as on 1.1.1996. There is no reason given why they were placed in the temporary list. The petitioners are qualified for being promoted to the post of Assistant Executive Engineer for the past 4 years but the Board has not given any preference to them as per the rules governing for SC/ST candidates.

v) There are several G.Os and B.Ps providing preference to SC/ST candidates. The respondent Board has promoted many of the persons to the next higher post and thereby denied their legitimate claim of placement in the seniority list. The seniority list has not been communicated to them. If the same has been communicated, the petitioners would have approached this Court earlier for getting the relief.



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vi) The respondent Board, without fixing the seniority by applying the roster points as per rule of reservation and filling up the back log vacancies accumulated from the year 1984 and without considering the representation of the petitioners periodically, has now called for suitable candidates for promotion to the post of A.E.Es/Electrical by the impugned order. The respondent Board totally ignored the specific rule in the service regulations in S.R.89(b) and (c). The respondent Board has not followed the above rule except on few occasions to recruit SC/ST candidates into service. Hence, there is an accumulation of vacancies of SC/ST in many categories and the Board has kept it unfilled. The Board has not shown any interest in considering the demands of the SC/ST unions as well as the petitioners representations. Hence, these writ petitions have been filed.

4. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents.

5. i) Learned counsel for the petitioners would submit that the 2nd



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respondent, without fixing the seniority of the petitioners by following the rules and regulations of the Board, has passed the impugned order, which is arbitrary and against Articles 14, 16(4), 21 and 46 and 309 of the Constitution of India. Learned counsel would further submit that prior to 1975, the method of recruitment for various initial level categories of posts in the respondent Board including JE Gr.II was by direct recruitment only. After several demands by the Unions, the Board has introduced internal selection to the initial level categories of posts from among the qualified employees. Subsequent to that, the Board has amended regulations in SR 92 vide B.P.Ms.No.854 dated 16.05.1979. The respondent Board has issued orders for carrying over of lapsed turns in case of SC/ST in B.P.Ms.No.1517 dated 16.10.1978 wherein it is clarified in para 2 that "the Government have further clarified that the lapsed turns should be carried over to the next occasion of recruitment even it is made after a gap of 3 or 4 years, as the references to the next year of recruitment does not mean the appointment in the succeeding year only. In the next year of recruitment, the carried forward numbers should first be exhausted and if the reserved turns in the current



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year of recruitment remains unfilled that may be carried forward to the next year of recruitment."

ii) Learned counsel would further submit that Service Regulations 89(b) and (c) of TNEB Service Regulations provide for reservation in appointments. S.R 89(c) states as follows:

"If sufficient number of qualified candidates belonging to SC/ST are not available for the vacancies reserved for internal selection then the number of unfilled reserved turns of SC/ST candidates shall be carried forward to the next recruitment (even it is made after a gap of 3 or 4 years) and at the end of which the number of carried forward turns, if not utilized even by then will lapse. In the next recruitment, the carried forward numbers should first be exhausted and if the reserved turns in the current year recruitment remains unfilled, they may be carried forward to the next recruitment."

iii) Learned counsel would further submit that during the period between 1977 to 1980, about 802 Junior Engineer Grade II were selected by the Board in the internal selection without following the 18% reservation for SC/ST candidates. The Board had unfilled the backlog vacancies arisen in between the year 1977 to 1984. The respondent Board has appointed 746



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Junior Engineers/ Electrical Grade II in the year 1987 without filling the backlog vacancies of SC/ST candidates. The petitioners were appointed as Technical Assistants in the year 1986 and the qualification for the post of Junior Engineer Grade II was already relaxed insofar as two years experience is concerned vide B.P.No.985 dated 26.07.1977. If the Board would have filled up the backlog vacancies available for SC/ST candidates by internal selection, the petitioners, as Junior Engineer Grade II, at least in the year 1987, they would have got selection and appointed in the next level of promotion in time. Due to failure on the part of the Board, the petitioners were deprived of their due promotion. B.P.No.86 (Secretariat Branch) dated 08.03.1982 was issued and amended in SR No.92 of TNEB Service Regulation by the Board for filling up of vacancies by internal selection. Insofar as Class III Division I is concerned, it is amended in the above said B.P. as follows:

Class III Division I

<i>Category 3: Jr.Engr/ El.Gr.II</i>	<i>Direct Recruitment or appointment from Regular Work Establishment or Draughtsman by internal selection</i>
<i>Category 5 : Jr.Engr/Civil Gr.II</i>	
<i>Category 7: Jr.Engr/ Mech.Gr.II</i>	



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Therefore, it is made clear that the post of Junior Engineer/ Electrical Grade-II is by appointment from RWE category by internal selection. Therefore, the Board should have followed the rule of reservation in the matter of appointment as per the above amended regulations. The Board has not filled up the backlog vacancies for SC/ST candidates by following their own Service Regulations.

iv) Learned counsel would further submit that the Secretary to Tamilnadu Government (Personnel and Administrative Reforms (PER.R) Department in his letter dated 20.04.1982 addressed to the 1st respondent directed to follow the rule of reservation even for selection from among TNEB staffs. The Employees Union also sent representation dated 17.07.1991 requesting to implement the rule of reservation. But the respondent Board never followed the same. As per the Board's rules relating to Rule of Reservation, the Board should have appointed 142 SC/ST candidates as JE/Electrical Grade II in the year 1987 as per 18% rule of reservation, whereas only 41 SC/ST candidates were appointed and the remaining vacancies of 101 SC/ST including the petitioners were not filled



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up, even though qualified SC/ST candidates including the petitioners were available in the said selection period.

v) Learned counsel would further submit that the Board has not maintained permanent seniority list in respect of JE/ Electrical Grade I post and it has maintained two seniority list, one permanent seniority list and temporary seniority list. The petitioners are shown in the temporary seniority list and no reason was given as to why their names have been included in the temporary list. The Board has not communicated the permanent list. If the same would have been communicated, the petitioners would have approached this Court earlier for getting their relief. The petitioners are qualified for being promoted to the post of Assistant Executive Engineer in the year 2004 itself but the Board has not followed their own Board's proceedings providing preference of SC/ST candidates. The due seniority was deprived and denied to the petitioners and they have been suppressed for a long period.

vi) Learned counsel would further submit that this Court directed the respondent Board to file written tabulation with records on 24.09.2021 but



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the same has not been furnished. On the contrary, they have filed a list dated 16.09.1989 containing 106 Technical Assistants/ Electrical II Grade and an inter se seniority list of JE/II Grade 3:1 ratio Diploma and non-diploma holders. The Board has not produced the backlog vacancies list for SC/ST candidates before this Court. Thus, it is clear that the Board has suppressed the said list. The Board has not produced any documents relating to the impugned order dated 12.09.2007. All of a sudden, the Board, without fixing the seniority by applying the roster points and filling up the backlog vacancies accumulated from the year 1984 and without considering the representations of the petitioners, has called for suitable candidates for promotion to the post of Assistant Executive Engineer/ Electrical by the impugned order dated 12.09.2007 and in the annexure of the impugned order, it is mentioned 109 persons for promotion to the post of AEE/Electrical, signed on 17.09.2007. The respondent Board has not given any reasons under which seniority list, the said persons names were called for. The 2nd respondent, excluding the petitioners' name, issued the said impugned order dated 12.09.2007, which was challenged in



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W.P.No.14025/2008 by 20 individuals (Junior Engineers Gr.I). The seniority list communicated through proceedings dated 25.07.2008 was challenged in W.P.No.29355 of 2008 by the petitioners' Sangam. Hence, he would pray to set aside the impugned orders.

6. i) Countering the above submission, the learned Standing Counsel appearing for the TN Electricity Board would submit that the method of appointment for various categories of posts is based on the provisions of Regulation 89(a), (b) (c) and (d) referred to Regulation 92 of the Tamil Nadu Electricity Board Service Regulations as amended from time to time.

ii) Learned Standing Counsel would further submit that the diploma holders recruited to the post of Technical Assistant II Grade were promoted to the post of Technical Assistant I Grade on common seniority basis and then to the post of Junior Engineer/ Electrical-II Grade by promotion from Technical Assistant I Grade by dispensing with the provision for Internal Selection. Because of the imbalance in promotional opportunities in different circles, some of the Diploma holders recruited in 1979 batch were stagnating



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in the recruited post of Technical Assistant II Grade in certain Circles for want of vacancy of Technical Assistant I Grade, which is circle level promotion from the Circle seniority and they were denied the chance of being promoted as Junior Engineer/ Electrical II Grade. While the others, recruited in the same batch and who had joined later in other circles as Technical Assistant II Grade in the subsequent batches, had been promoted to Technical Assistant I Grade and such promotees got the chance of appointment as Junior Engineer/ Electrical II Grade by promotion.

iii) Learned Standing counsel would further submit that after formation of separate cadre, the selection to the post of Junior Engineer/ Electrical II Grade is by promotion from Technical Assistant I Grade only. For e.g., as per orders, Mr.'Y' who joined as Technical Assistant II Grade in 1980 and promoted as Technical Assistant I Grade in 1986 was again promoted as Junior Engineer II Grade as per existing method of appointment. But, 'X' who joined earlier than Mr. 'Y' was not promoted as Junior Engineer/ Electrical II Grade since he did not get promotion even as Technical Assistant I Grade for want of vacancy of Technical Assistant I



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Grade in the circle to which he belongs. Therefore, to set right this anomalous situation, the Board issued orders in Board Proceedings Ms.(F.B)No.38 dated 11.08.1988 as an interim arrangement to B.P.Ms.No.33 dated 04.04.1987.

iv) Learned Standing Counsel would further submit that in the said Board Proceedings, it was ordered that out of vacancies available in the post of Junior Engineer/ Electrical II Grade, the first 25% shall be filled up by promotion from Technical Assistant/ Electrical I Grade and the next 75% by internal selection as was done prior to formation of separate cadre for Diploma holders. This temporary procedure was to continue till certain earlier entrants who were stagnating the post of Technical Assistant II grade due to lack of promotional opportunity in certain circles were appointed as Junior Engineer/ Electrical II Grade and the issue was resolved accordingly.

v) Learned Standing Counsel would further submit that the interim order issued in B.P.No.38 dated 11.08.1988 was cancelled in B.P.No.21 dated 23.03.1994 and from 1994, the method has been adopted only by promotion. Before formation of separate cadre for Diploma holders, the



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selection to the post of Junior Engineer/ Electrical II Grade was by internal selection and the Board had followed the rule of reservation in each and every selection and the employees belongs to SC/ST were selected and appointed as Junior Engineer / Electrical II Grade. After deletion of the provision for direct recruitments, 124 carried over turns of SC/ST remained unfilled. Out of 124, 109 employees belongs to SC/ST upto the last person in service were selected and appointed during 1989 relaxing the qualification relating to practical experience of 2 years, whenever required.

vi) Learned Standing counsel would further submit that in the case of J.E./ Electrical II Grade, the method of recruitment was modified from Direct Recruitment - Internal Selection - then promotion. These changes have been made based on the representation from the Trade unions. The method of recruitment of internal selection/ promotion was considered in many categories in the interest and welfare of the existing qualified employees of the Board. The case of SC/ST categories qualified candidates are very meagre at that time. The post of J.E./Electrical I Grade is being filled from the post of J.E./ Electrical II Grade (Diploma & Non-Diploma) by preparing



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the seniority list in the ratio of 3:1 (Diploma holders: Non-Diploma holders) in the method of promotion as per rules. There is no provision in the Board to follow rules of reservation on promotion. The promotion is being considered purely based on merit-cum-seniority basis as per rules. The employees who joined as J.E./Electrical I Grade on promotion during the year 1993-1994 were promoted to the post of Assistant Executive Engineer/ Electrical along with the Assistant Engineer/ Electrical with reference to the ratio of 3:1 (Degree holders and Diploma/Non-Diploma holders) during the year 2008. One Chief Head Draughtsman has to be fixed on top of the respected panel as per rules of the board in the case of promotion to the post of Assistant Executive Engineer/ Electrical. The proposal called for in the office proceedings dated 25.07.2008 and the panel approved for promotion to the post of Assistant Executive Engineer/ Electrical was communicated vide memo dated 19.10.2009. In this panel, the employees who have joined as J.E./Electrical I Grade on promotion during the year 1994 and the part of the year 1995 were promoted to the post of Assistant Executive Engineer/ Electrical in the ratio of 3:1 (Assistant Engineer/ Electrical: Junior



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Engineer/Electrical I Grade.) The petitioners were selected to the post of J.E. Electrical I Grade and joined during the year 1995 and their turn for promotion to the post of Assistant Executive Engineer will arise only in future as per seniority/ rules and the Board is following the rules of reservation at all initial level categories of post only strictly without any deviation as per rules / orders of Government issued from time to time. Therefore, the writ petitions are liable to be dismissed.

7. This Court considered the submissions made on either side and perused the materials available on record.

8. The Board has framed its own Service Regulations in exercise of the powers conferred under Section 79(c) and 79(k) of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948). All categories of employees of the Board are governed by the Service Regulations of the Board. The method of appointment for various categories of posts is based on the provisions of Regulation 89(a), (b) (c) and (d) referred to Regulation 92 of



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the Tamil Nadu Electricity Board Service Regulations as amended from time to time.

9. It is seen that prior to the year 1987, there were two categories namely Tester I and II Grade. Subsequently, in the year 1988, the category of Tester I/ II Grade were re-designated as Technical Assistant II/ I Grade respectively. The diploma holders recruited to the post of Technical Assistant II Grade were promoted to the post of Technical Assistant I Grade on common seniority basis and then to the post of Junior Engineer/ Electrical-II Grade by promotion from Technical Assistant I Grade by dispensing with the provision for internal selection. Due to imbalance in promotional opportunities in different circles, some of the diploma holders recruited in 1979 batch were stagnating in the recruited post of Technical Assistant II Grade in certain Circles for want of vacancy of Technical Assistant I Grade, which is circle level promotion from the Circle seniority and they did not get the chance of being promoted as Junior Engineer/ Electrical II Grade. The other persons recruited in the same batch and who joined subsequently in



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other circles as Technical Assistant II Grade in the subsequent batches had been promoted to Technical Assistant I Grade and such promotees got the chance of appointment as Junior Engineer/ Electrical II Grade by promotion.

10. After formation of separate cadre, the selection to the post of Junior Engineer/ Electrical II Grade is by promotion from Technical Assistant I Grade only. Subsequently, the Board issued orders in Board Proceedings Ms.(F.B)No.38 dated 11.08.1988 as an interim arrangement to set right the anomalous situation, in which, it was ordered that out of vacancies available in the post of Junior Engineer/ Electrical II Grade, the first 25% shall be filled up by promotion from Technical Assistant/ Electrical I Grade and the next 75% by internal selection as was done prior to formation of separate cadre for Diploma holders. This temporary procedure was to continue till certain earlier entrants who were stagnating the post of Technical Assistant II Grade, due to lack of promotional opportunity in certain circles, were appointed as Junior Engineer/ Electrical II Grade and the issue was resolved accordingly.



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11. Subsequently, on 23.03.1994, the Board proceedings passed as an interim measure vide order dated 11.08.1988, was cancelled and from 1994, the method has been adopted only by promotion. Before formation of separate cadre for Diploma holders, the selection to the post of Junior Engineer/ Electrical II Grade was by internal selection and the Board had followed the rule of reservation in each and every selection and the employees belongs to SC/ST were selected and appointed as Junior Engineer / Electrical II Grade. After deletion of the provision for direct recruitment, 124 carried over turns of SC/ST remained unfilled. Out of 124, 109 employees belongs to SC/ST upto the last person in service were selected and appointed during 1989, relaxing the qualification relating to practical experience of 2 years, whenever required.

12. It is also seen that based on the representations from the Trade Unions, the method of recruitment was modified from Direct Recruitment to Internal Selection and then promotion in respect of J.E./ Electrical II Grade.



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Prior to the year 1996, there was dearth of qualified candidates in the case of SC/ST categories qualified candidates. From the year 1997, the number of qualified SC/ST candidates in the respective field increased gradually and enormously. Therefore, the post of J.E./Electrical I Grade is being filled from the post of J.E./ Electrical II Grade (Diploma & Non-Diploma) by preparing the seniority list in the ratio of 3:1 (Diploma holders: Non-Diploma holders) in the method of promotion as per rules. There is no provision in the Board to follow rules of reservation on promotion. Based on merit-cum-seniority basis as per rules, the promotion is being made. during the year 1993-1994, the employees who joined as J.E./Electrical I Grade on promotion were promoted to the post of Assistant Executive Engineer/ Electrical along with the Assistant Engineer/ Electrical with reference to the ratio of 3:1 (Degree holders and Diploma/Non-Diploma holders) during the year 2008. One Chief Head Draughtsman has to be fixed on top of the respected panel as per rules of the board in the case of promotion to the post of Assistant Executive Engineer/ Electrical. The proposal called for in the office proceedings dated 25.07.2008 and the panel approved for promotion to the post of Assistant



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Executive Engineer/ Electrical was communicated vide memo dated 19.10.2009. In this panel, the employees who have joined as J.E./Electrical I Grade on promotion during the year 1994 and the part of the year 1995 were promoted to the post of Assistant Executive Engineer/ Electrical in the ratio of 3:1 (Assistant Engineer/ Electrical: Junior Engineer/Electrical I Grade.) The petitioners were selected to the post of J.E. Electrical I Grade and joined during the year 1995 and their turn for promotion to the post of Assistant Executive Engineer will arise only in future as per seniority/ rules and the Board is following the rules of reservation at all initial level categories of post only strictly without any deviation as per rules / orders of Government issued from time to time.

13. The petitioners were appointed initially to the post of Tester Grade II, which is equivalent to Technical Assistant Grade II, which is a Feeder category to the post of Technical Assistant Grade-I by promotion. The said Technical Assistant Grade I post, now merged and redesignated as Technical Assistant, is only the Feeder category for promotion to the post of Junior



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Engineer Grade-II. The petitioners' core claim is that if they had been recruited to the post of Junior Engineer Grade- II by direct recruitment during the year 1986, instead of Tester Grade II in the backlog vacancies, they would have got higher seniority. The filling up of the post of Junior Engineer Grade II at the relevant point of time was by promotion and there was enabling provisions in the Tamil Nadu Electricity Board Service Regulation to consider direct recruitment to fill up the said post. The petitioners' affidavit is silent whether they had applied for internal selection while filling up the said post during the relevant period. The rule of reservation is being followed in the initial level categories only as per rules and there is no provisions for following rule of reservation in promotion. The impugned order does not suffer from any illegality or irregularity. It is seen that already there is a delay of several number of years. Further, allowing the prayer in the writ petitions would alter the settled seniority. This Court finds no merit in the writ petitions.

14. In the result, both the Writ Petitions are dismissed. No costs.



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Consequently, connected miscellaneous petitions are closed.

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Index :Yes/No
Speaking/Non-speaking order
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To

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rep. by its Chairman,
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Chennai - 600 002.
2. The Chief Engineer/ Personnel,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
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vsi

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