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WP.No.20742 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 20742 of 2015

1. S.Chandrakumar
2. M.Periyasamy
3. C.Murugaiah

.... Petitioners

Vs

1. The Chairman,
Tamil Nadu Generation & Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai – 600 002.

2. The Chief Engineer Personnel,
Tamil Nadu Generation & Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai – 600 002.

3. The Superintending Engineer,
Perambalur Electricity Distribution Circle,
Tamil Nadu Generation & Distribution
Corporation Ltd.,
Tamil Nadu Electricity Board,
Perambalur Post & District.

4. A.Punniyamoorthy
5. A.K.Anbalagan

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6. M.Arulandam
7. N.Guhan
8. M.Umamaheswari
9. K.Radha
10. M.Selvaraj
11. K.Geetha
12. M.Vasantha
13. C.Santhi
14. S.Kalaivani
15. L.Sivakumar
16. S.Sangeetha
17. Chitra
18. K.Lalitha
19. K.Gurunathan
20. V.Malarselvi
21. G.Kalairani
22. T.Indhumathy
23. V.Dhanasekaran
24. V.Pandiyan
25. G.Sivakumar
26. M.Anbalagan
27. S.Thangavel
28. S.Kulandaivel

.... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 3rd respondent in Ku.Aa.No.195/Ni Pi 2/Ni U 1/Ko.Commercial Inspector/2015 dated 27.03.2015 and quash the same and consequently direct the respondents to promote the petitioners to the post of Commercial Inspector as per circle seniority assigned by the 3rd respondent in the year 2010, retrospectively with all attendant and monetary benefits on par with their junior.



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For Petitioner : Mr.M.Saravana Kumar
For R1 to R3 : Mr.K.Purushothaman
For R4 to R28 : No appearance

ORDER

This Writ Petition has been filed challenging the order dated 27.03.2015 passed in Ku.Aa.No.195/Ni Pi 2/Ni U 1/Ko.Commercial Inspector/2015 by the third respondent, thereby selected the names for promotion from the post of Commercial Assistant to the post of Commercial Inspector.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 3 and perused the materials available on record.

3. The petitioners were working as Commercial Assistants in Tamil Nadu Generation & Distribution Corporation Ltd., (Tamil Nadu Electricity Board). They were appointed as Field Assistants in the year 2009 and their services were regularised by the competent authorities.



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While being so, the Tamil Nadu Electricity Board fixed the Field Assistant seniority as per Section 97 of Tamil Nadu Electricity Board Service Rules.

Accordingly, from the Helper post to Commercial Assistant to the Commercial Inspector and from the Wireman to the Line Inspector, the next post is Foreman to Special Grade Foreman.

4. As per the seniority list in the cadre of Field Assistant of the year 2010, the petitioners' seniority list were fixed and accordingly, they were promoted to the post of Commercial Assistants. Whereas, the respondents 4 to 28 are concerned, they were initially appointed as Field Assistants in some other Electricity Distribution Circle and on their request, they were accommodated in Perambalur Electricity Distribution Circle. While being so, the third respondent revised the seniority list and promoted the respondents 4 to 28 to the post of Commercial Inspector. Therefore, the petitioners' challenging the order of selection list, thereby selected the names for promotion in the post of Commercial Assistants to the post of Commercial Inspectors.



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5. A perusal of the counter filed by the third respondent reveals that the seniority list of Field Assistants, who were initially appointed as Field Assistant in some other Electricity Distribution Circle and they were transferred to the circle on their own request and they were fixed as junior most Helper (Trainee) category, as per the guidelines dated 01.02.1985. Subsequently, by a letter dated 05.05.2014, it has been clarified that the selection of 4000 ITI Helper (Trainee) was purely based on the communal roster issued by the Government and the selection was made at State Level. As a special case, it was decided that seniority of the 4000 ITI Helper (Trainee) should be assigned on the date of issue of selection order i.e., 28.02.2009 and 03.06.2009 respectively. The 2500 ITI Helper (Trainee), who were appointed on 28.02.2009, in the first batch were selected in the first seniority list and 1500 Helper (Trainee) were appointed in 03.06.2009 in the second batch below the first batch. Therefore, the seniority of Helpers including those for whom orders were modified from the Headquarters should be assigned based on the date of issuance of selection order i.e., on 28.02.2009. Accordingly, the seniority list was revised as per the guidelines.



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6. That apart, in the impugned order dated 23.07.2015, it was categorically mentioned that anybody name is missing in the selection list, they can very well file an appeal before the Chief Engineer, Tiruchirapalli, within a stipulated time. However, the petitioner did not prefer any appeal and directly challenged the order passed by the third respondent.

7. In view of the above, this Court finds no infirmity or illegality in the impugned order dated 27.03.2015 passed in Ku.Aa.No.195/Ni Pi 2/Ni U 1/Ko.Commercial Inspector/2015 by the 3rd respondent. Therefore, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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Index:Yes/No
Internet:Yes/No

To

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