



W.P.No.3871 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3871 of 2020
and
WMP.Nos.4589 & 4590 of 2020

P.Karuppaiah

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Petitioner

Vs.

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

2. The Secretary, Tamil Nadu Generation
and Distribution Corporation Limited,
No.144, Anna Salai Chennai 600 002.

3. The Member Secretary
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of CERTIORARIFIED MANDAMUS, after calling for the concerned records from the 1st Respondent and to quash the order of the 1st Respondent bearing Memo.(Per)No.48852/A3/A32/2018-9, dated 22.01.2020 as illegal, arbitrary and contrary to law and consequently, direct



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the Respondents to consider and promote the petitioner to the post of Chief Internal Audit Officer with effect from 01.11.2016, when the vacancy arose and as the petitioner is the senior most Senior Deputy Chief Internal Audit Officer in terms of the Service Regulations of the 1st Respondent Corporation and pass such other orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case, award costs.

For Petitioner : Balan Haridas

For Respondents : Mr.K.Raj Kumar,
Standing counsel for RR1 & 2.

ORDER

This writ petition has been filed to issue a writ of CERTIORARI and MANDAMUS, after calling for the concerned records from the 1st Respondent quash the order of the 1st Respondent bearing Memo.(Per)No.48852/A3/A32/2018-9, dated 22.01.2020 as illegal, arbitrary and contrary to law and consequently, direct the Respondents to consider and promote the petitioner to the post of Chief Internal Audit Officer with effect from 01.11.2016, when the vacancy arose and as the petitioner is the senior most Senior Deputy Chief Internal Audit Officer in terms of the Service Regulations of the 1st Respondent Corporation and pass such other orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case and award cost.



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2. Heard, Mr. Balan Haridas, learned counsel for the petitioner and

Mr.K.Raj Kumar, learned standing counsel for the respondents 1 & 2.

3. The petitioner is a B.A. Graduate in Economics and he joined the respondent's board in the post of Junior Auditor in the year 1987. Later he was promoted to the post of Auditor in the year 1989. After he cleared the B.Com degree examination during April- 1997, he was promoted to the post of Assistant Audit Officer during July-2003. Thereafter the petitioner was promoted as an Internal Audit Officer. The petitioner holds the said post on full additional charge for the period from 04.12.2018 to 16.10.2019. The University Grants Commission and the Government of Tamil Nadu had approved the B.Com degree obtained by the petitioner from Osmania University for promotion and appointment by considering it equal to the degree obtained by the petitioner. However, the 1st respondent has not given any validation to the degree obtained by the petitioner and passed the following order:

“A point of clarification has arisen whether one sitting B.Com degree conducted by Osmania University is valid for sanction of increment and promotion.

2. The University Grants Commission has been consulted with regard to one sitting B.Com degree conducted by Osmania University is valid. The



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clarifications received from the above authority has been examined in detail and It has been decided that one sitting B.Com degree is not equivalent to regular year B.Com degree.

3. Accordingly, it is hereby ordered that one sitting B.Com degree course conducted by Osmania University shall not be taken into account for grant of Incentive increment/promotion.”

4. However, he was not considered to be promoted to the post of Chief Internal Audit Officer on the ground that he is not qualified; the B.Com degree obtained by the petitioner is not considered to be equivalent to the B.Com degree obtained through regular mode of three years course. So far as the petitioner is concerned, he obtained the B.Com degree which is a one year course, which is otherwise called as one sitting degree.

5. Per contra, Mr.K.Raj Kumar, learned standing counsel for the respondents 1 & 2 submitted that as per the University Grants Commission letter dated 22.04.2014 in F.No.1-2/2009(CPP-II), it is clarified that the one time bachelor degree programme up to the year 1995-96 is treated as valid and equivalent to regular degree; but in the case of the petitioner, he does not come within the above time limit.



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6. Some of the third parties had filed petitions to implead themselves by stating that they are also interested. However, the impleading petitions have been closed by stating that they can make their submissions, if any, during the hearing of the Writ Petition.

7. When the matter is taken up today, Mr.Manoj Sreevalsan, learned counsel for Mr.K.V.Kalyanaraman submitted that Mr.K.V.Kalyanaraman is next in the list of promotion; in the event of dismissing this Petition, Mr.K.V.Kalyanaraman would have got the next promotional opportunity and he is an aggrieved person due to the order passed in this Writ Petition.

8. Ms.Selvi George, learned Counsel for Mr.K.Ramalingam submitted that Mr.K.Ramalingam got retired from service without promotion in view of the Writ Petition filed by this petitioner.

9. The learned counsel for the petitioner submitted that the petitioner had enrolled himself only for the one year degree during the year 1995-96 after getting permission from the board on 17.05.1995.

10. In the order of the Chief Internal Audit Officer of the



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respondent's Corporation dated 17.05.1995, it has been stated that the petitioner is permitted to study B.Com degree conducted by Osmania University by private study for the academic year 1995-96, subject to certain conditions. Since the petitioner enrolled in the year 1995-96, the University Grants Commission's letter dated 17.05.1995 is applicable to the case of the petitioner also.

11. Since the impugned order has not taken into consideration of the academic year in which the petitioner got enrolled for his one sitting B.Com degree and also the fact that University Grants Commission itself has given the validity for such courses if it was a course sponsored up to the year 1995 to 96, the impugned order dated 22/1/2020 is appears to be a short sighted one and hence, it is liable to be set-aside.

12. When a person files a Writ Petition for claiming certain rights in respect of promotions and if the granting of the same has any consequences upon the promotional possibility of other persons, that cannot be the reason for stopping the relief to be granted to the petitioner. The petitioner's limited challenge made in this Writ Petition is that his promotion is denied only



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because his one sitting B.Com Degree, did not get the recognition of the first respondent, though the third respondent has issued regulations in this regard. The Court can only appreciate whether the regulation is applicable to the case of the petitioner or not. Hence the submission of the private parties cannot be the reason for rejecting the relief in favour of the petitioner.

13. In the result, this Writ petition is **Allowed**. The impugned order of the 1st Respondent bearing Memo.(Per)No.48852/A3/A32/2018-9, dated 22.01.2020 is set aside. The respondents are directed to consider and promote the petitioner to the post of Chief Internal Audit Officer with effect from 01.11.2016, when the vacancy arose with all consequences. No costs. Consequently, connected miscellaneous petitions are closed.

22.11.2023

jrs/gsk

Internet :Yes/No

Speaking: Non speaking

Neutral:Yes/ No



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R.N.MANJULA, J.

jrs/gsk

To

1. Tamil Nadu Generation and
Distribution Corporation Limited
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