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W.P. No.23535 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.23535 of 2015

S.Balaji

... Petitioner

VS.

1.The Chairman

Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 2.

2.The Chief Engineer (Personnel)

Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.

3.The Chief Internal Audit Officer

Audit Branch, TANGEDCO

No.144, Anna Salai, Chennai – 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to pass a Writ of Certiorarified Mandamus, call for the entire records connected with the impugned order passed by the 2nd respondent vide Memo No.035031/134A/G56/G561/2014-1 dated 03.02.2015 and quash the same and direct the 2nd respondent to appoint the petitioner as Junior Auditor w.e.f. 15.03.2007 by converting the post of Typist as Junior Auditor, as done in the case of converting the Junior Assistant as Junior Auditor by Letter No.081637/900/G.28/G.283/2007 dated 07.07.2007 and Letter No. 082195/906/G.28/G.283/2007 dated 07.07.2007 with all consequential



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attendant benefits of promotion as Assistant Audit Officer on par with
T.Sabriraj and S.Krishnan.

For petitioner : Mr.S.N.Ravichandran

For respondents : Mr.K.Rajkumar, Standing Counsel

ORDER

This Writ Petition has been filed, challenging the Memo dated 03.02.2015 in No.035031/134A/G56/G561/2014-1, whereby the petitioner's representation to convert his post as Junior Auditor instead of Typist, got rejected, by the 2nd respondent herein.

2. It is the case of the petitioner that he joined the office of the respondents on 24.03.1995 as Contract Labour and after completion of 480 days, he got his permanent status with effect from 01.05.1999. Subsequently petitioner acquired B.Com qualification and appointed as Typist through internal selection vide order of the 2nd respondent dated 15.03.2007.

3. The 2nd respondent by letter No.0144295/953/G.56/g.561/2006-1 dated 30.12.2006 proposed to call for the applications from the qualified employees in various categories of Regular Work Establishment cadre RWE



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and provincial cadre (Office Helper & Record Clerk) to the post of Junior Assistant/Accounts by internal selection. The 2nd respondent passed an order of appointment as Junior Assistant/Accounts to the individuals who got selected and they have been posted as Junior Auditor in audit branch.

4. The petitioner who was working as Typist in Audit Branch from 02.04.2007 given representation dated 05.12.2009 to the 2nd respondent to place his seniority in the appropriate place in the list of Junior Auditor. Again the petitioner made representation on 29.10.2013 to the 2nd respondent requesting for conversion of the post of Typist as Junior Auditor w.e.f. 15.03.2007. Since no order has been passed on the above said representations, W.P.No.275/2014 has been filed by the petitioner and this court directed the 2nd respondent to dispose of the representation of the petitioner dated 29.10.2013. The 2nd respondent by impugned order dated 03.02.2015, rejected the claim of the petitioner. Challenging the rejection of his request, the petitioner has come up with the present writ petition.

5. The learned counsel for the petitioner would submit that conversion



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to the post of Junior Auditor by way of internal selection was made on the basis of service rendered and the necessary educational qualification. The petitioner is in possession of B.Com degree and so he is entitled to be considered for the internal selection to the post of Junior Auditor. The learned counsel relied upon the orders of this court passed in W.P.No.29502 to 29515 of 2012 dated 07.12.2012 [P.Ramar & Others Vs. The Tamil Nadu General and Distribution Corporation Ltd., Rep. By the Chairman and Others] and W.P.No.60 of 2014 dated 23.01.2015 [M.N.Kishore Vs. Tamil Nadu Generation and Distribution Corporation Ltd and 2 others], wherein, this court directed the respondents to consider the claim of the petitioners therein.

6. The learned counsel for the petitioner also produced a Letter dated 14.01.2016 whereby the TANGEDCO Chief Engineer/Personnel, called for particulars of qualified employees for filling up of vacancies of Junior Auditor by Transfer Method. Clause (i) and (ii) of the said letter reads as under:-

“ (i) The employees who are working in Provincial Cadre (Junior Assistant/Administration, Junior Assistant/Accounts, Assessor, Typist and Steno-Typist) who possess the requisite



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qualification viz, B.A., B.Sc., and B.Com Degree as per the regulation 94, Annexure-III of TANGEDCO Service Regulations.

(ii) As per Regulation 95(b) of TNEB Service Regulations the candidates who are approved probationer or probationer are eligible to apply.”

The learned counsel for the petitioner would submit that the petitioner applied for the above said category. However, his earlier request for conversion to the post of Junior Auditor by internal selection was denied by the respondents on the ground that he was a probationer and he cannot be appointed as Junior Auditor in contrary to service regulation. However, one T.Sabriraj and S.Krishnan who were juniors to the petitioner were promoted as Auditor and as Assistant Audit Officer by proceedings dated 14.11.2011, 30.06.2012 vide order dated 02.08.2012 respectively. The learned counsel, therefore prayed for a direction to the respondents to consider the claim of the petitioner to the post of Junior Auditor.

7. In view of the above facts and circumstances of the case and following the orders passed by this court in similar matters in W.P.Nos.29502 to 29515/2012 dated 07.12.2012 and W.P.No.60 of 2014 dated 23.01.2015, the respondents herein are directed to consider the claim



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of the petitioner for the post of Junior Auditor and pass appropriate orders on merits and in accordance with law, if he is otherwise eligible for the said post, within a period of eight weeks from the date of receipt of a copy of this order. This Writ Petition is allowed on the above terms. No costs.

20.03.2023

Jer/nvsri

Index :Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

Neutral citation:Yes/No

To

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J.NISHA BANU, J.

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ORDER MADE IN
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