



W.P.No.25227 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.25227 of 2013
and M.P.No.1 of 2013

P.Raghupathy

.... Petitioner

-Vs-

1.The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd., N.P.K.R.Maligai 10th Floor
East Wing, 144, Anna Salai, Chennai 600 002.

2.The Chief Engineer / Personnel
Tamil Nadu Electricity Board
8th Floor, N.P.K.R.Maligai
144, Anna Salai, Chennai 600 002.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Letter No.01/035/G.301/2003-3 dated 10.12.2012 passed by the 2nd respondent and quash the same as illegal, improper and thereby direct the 2nd respondent to fill up the back log vacancy and give promotion to the petitioner as Asst.Accounts Officer from 2002 and pay back all benefits.

For Petitioner : Mr.S.Nedunchezian

For Respondents : Mr.K.Rajkumar



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ORDER

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The petitioner joined the services of Tamil Nadu Electricity Board (TNEB) in the year 1974 as Junior Assistant. He was promoted to the post of Assistant in the year 1984 and in the year 2002, he was appointed as Accounts Supervisor. The present writ petition claims that he should be promoted to the post of Assistant Accounts Officer. I have to note that the petitioner has attained the age of superannuation on 31.05.2006. According to the petitioner, he had the necessary qualifications to be appointed as Assistant Accounts Officer but was denied the post, since the respondents did not follow the rule of reservation.

2. Mr.S.Nedunchezian, learned counsel for the petitioner would submit that had the rules of reservation been followed in promotion, the petitioner would have become an Assistant Accounts Officer.

3. Mr.K.Rajkumar, learned counsel for the respondents would contend that the rules do not contemplate reservation in promotion and therefore the argument of the petitioner that such reservation must be provided cannot be acceded to. He would also state that currently there is no policy in TANGEDCO granting reservation in promotion. Apart from that, on the merits of the case Mr.Rajkumar would point out that as per the TNEB Service Regulations 98(1)(a),



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98(b)(i) particulars were called for preparation of panel for promotion to the post of Assistant Accounts Officer-cum-Accounts Supervisor on 26.07.2002. A panel was drawn on upto Serial No.1207. The panel exhausted with one Mohamed Yusuf who has been appointed as Accounts Supervisor in the year 1996. The petitioner became Accounts Supervisor only in the year 2002. Therefore, he was not even in the zone of consideration for the purpose of promotion. When a person is not in the zone of consideration, he cannot have any legal right for the promotional post. The writ petition is devoid of merits and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

09.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

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V. LAKSHMINARAYANAN, J.

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