



WEB COPY



W.P.No.13867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13867 of 2023
and WMP No.13545 of 2023

M.Dasarathan

...Petitioner

Vs

1. The Chairman-cum-Managing Director,
TANGEDCO, NPKRR Maligai,
No.144, Anna Salai,
Chennai-600 002.

2. The Secretariat,
Secretariat Branch,
TANGEDCO,
No.144, Anna Salai,
Chennai-600 006.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in Memorandum No.25358/A1/A11/2022-1, dated 17.09.2022 on the file of the 2nd respondent herein, quash the same and consequently direct the 1st respondent herein to hear and dispose of the appeal dated 11.06.2022 sent



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by the petitioner for inclusion of his name in the Promotional Panel of Superintending Engineering (Electrical) in accordance with law within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

The approved panel for the post of Superintending Engineer (Electrical) for the year 2022-2023 dated 08.06.2022 was prepared by the Secretary of Secretariat Branch, TANGEDCO, Chennai. In the said panel, it was informed that under Regulation 98(2) (b) of the Tamil Nadu Electricity Board Service Regulations read with Tamil Nadu Electricity (Re-organisation and Reforms) Transfer Scheme 2010 that any person who wishes to appeal against his/her for non-inclusion of their names in the approved list, should do so, within a period of two months from the date of communication of the approved list. Since the petitioner's name was omitted, he had preferred an appeal before the respondent viz., The Chairman-cum-Managing Director, TANGEDCO, on 11.06.2022. However,



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the Secretary of TANGEDCO, viz., the second respondent herein, who had prepared the approved panel on 08.06.2022, had taken up the appeal petition filed by the petitioner and had rejected the same through the impugned order dated 17.09.2022.

2. Admittedly, the appellate authority to consider the grievance of the employees, whose names have not been included in the approved panel, is the Chairman and Managing Director of TANGEDCO. When Regulation 98(2) (b) of the Tamil Nadu Electricity Board Service Regulations specifically provides for an appeal to be preferred before the first respondent herein, the present action of the second respondent, taking up the appeal filed by the petitioner before the first respondent and disposing of the same, may not be appropriate and without any authority or jurisdiction. As such, the impugned order of rejection cannot be sustained. Nevertheless, this Court is of the view that the first respondent herein could be directed to consider the petitioner's appeal within a stipulated time.



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3. Accordingly, the impugned order dated 17.09.2022 on the file of the second respondent is hereby quashed. Consequently, there shall be a direction to the first respondent herein to consider the petitioner's appeal dated 11.06.2022 on its own merits and take appropriate course of action in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions is closed.

08.06.2023

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



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M.S.RAMESH,J.

Sr

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