



WP.No.44609/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.44609/2016

V.Muthusamy

... Petitioner

Versus

- 1.The Chairman
Tamil Nadu Generation and
Distribution Corporation Ltd
144, Anna Salai, Chennai 600 002.
- 2.The Chief Engineer/Personnel
Tamil Nadu Generation and
Distribution Corporation Ltd
144, Anna Salai, Chennai 600 002.
- 3.The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Ltd
Salem Electricity Distribution Circle
Salem.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the 2nd respondent made in Letter



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No.084993/699/G30/G301/2015-5 dated 02.05.2016 and quash the same and consequently directing the respondents to grant notional promotion to the petitioner to the post of Assistant Accounts Officer at par with their junior.

For Petitioner : Mr.R.Jaikumar

For Respondents : Mr. K.Rajkumar
Standing Counsel

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to the proceedings of the 2nd respondent, Chief Engineer/Personnel, Tamil Nadu Generation and Distribution Corporation Ltd [TANGEDCO] dated 02.05.2016 and to quash the same and to direct the respondents to grant notional promotion to the petitioner in the post of Assistant Accounts Officer on par with his junior.
- (2) The petitioner herein had joined the Tamil Nadu Electricity Board as temporary casual labour on 19.06.1970 and was subsequently regularised as Watchman with effect from 10.09.1974 and then as



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Supernumerary Helper with effect from 09.07.1976. He slowly moved up the ladder and finally was promoted as Accounts Supervisor on 10.01.2007. To get further promotion as Assistant Accounts Officer, he should have passed the Accountancy Senior Test and the petitioner had also passed the said test. The respondents 1 and 2 were the competent authorities to promote him to the post of Assistant Accounts Officer. The crucial date was 25.03.2008 and a promotion panel was prepared of 201 persons and the petitioner was in Sl.No.36 with Seniority No.809. Thereafter, a Supplementary panel was prepared for the year 2008-09 and in that Supplementary Panel, one P.Chellan was in Sl.No.216. The petitioner had retired from service on 31.10.2008. He claims that he had lost the opportunity of promotion due to the belated implementation of the panel.

- (3) In the counter affidavit, the belated implementation of the panel had been justified on the ground that though the crucial date was 25.03.2008 and though the panel and the Supplementary panel had been drawn, they were kept in abeyance owing to the Lok Sabha



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Elections of the year 2009 and coming into force of Code of Conduct.

It had been therefore stated that by the time the promotion panel could be put into effect, the petitioner had retired from service.

- (4) The learned Standing counsel appearing for the respondents placed reliance on the order of a learned Single Judge of this Court in WP.No.36604/2016 dated 24.01.2023 [***G.Jayauddin Vs. Tamil Nadu Generation and Distribution Corporation Ltd., rep.by its Chairman and Another***], wherein, the petitioner therein also placed similarly like the petitioner herein, had claimed that he had been seriously prejudiced by the promotion granted to one P.Chellan with effect from 15.05.2009. The learned Single Judge however justified that particular aspect by stating that P.Chellan was granted notional promotion with effect from 15.05.2009 and rejected the claim of the petitioner therein since he had retired from service on 31.03.2009 and therefore, having retired prior to the date of approval of the promotion panel, he could not be considered for any relief to be granted. The observations of the learned Single Judge are as follows:-



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"4.In this case, apparently P. Chellan was granted with notional promotion to the post of Assistant Accounts Officer with effect from 15.05.2009, the date on which the panel was approved. Since the petitioner-s junior P. Chellan was in service as on 15.05.2009, there is no infirmity in the grant of such notional promotion. On the other hand, the petitioner herein had retired on 31.03.2009, which was prior to the date of approval of the promotional panel. Thus, merely because his name was found in the promotional panel earlier, will not give him a right to take the ground of discrimination on par with the employee who was in service at the time of approval of the promotional panel. As such, the grounds raised by the learned counsel for the petitioner cannot be sustained."

- (5) The same reasoning applies to the petitioner herein since he had retired from service on 31.08.2008 and was not in service on 15.05.2009 when P.Chellan was granted notional promotion.
- (6) Therefore, the writ petition stands **dismissed**. No costs.

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AP

Internet : Yes



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C.V.KARTHIKEYAN, J.,

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