



W.P. No. 3576 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No. 3576 of 2017
and WMP.No.3610 of 2017**

The Chief Engineer/Personnel,
TNEB, 800, Anna Salai, Chennai-2.

... Petitioner

-VS-

1. The Presiding Officer,
III Additional Labour Court,
Chennai.

2. TNEB Accounts and Executive Staff Union,
Regd. No.2472, represented by
its Circle Secretary, Chennai
Electricity Distribution Circle West,
29, Meeran Sahib Street,
Chennai-2.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records relating to the impugned order of the first respondent dated 09.09.2014 in ID No.697/2001 and quash the same.

For Petitioner	:	Mr.K.Rajkumar
For Respondents	:	R1-Court Mr.A.R.Suresh (R2)

ORDER

The writ petition has been filed seeking to quash the impugned order of



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the first respondent dated 09.09.2014 in ID No.697/2001

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2. The case of the petitioner is that the petitioner appointed one Manimegalai, who is a member of the second respondent Union, as Junior Assistant in the year 1963 and she was promoted as Assistant in the year 1978 and was working as Assistant at the Anna Nagar revenue branch of Chennai Electricity Distribution Circle when the dispute arose. The name of the Manimegalai was included in the panel for promotion as Accounts Supervisor on 13.12.1990 and was allotted to Villupuram Electricity Distribution Circle as there was no vacancy in Chennai Electricity Distribution Circle and she was reposted to Revenue Branch by the Superintending Engineer, Villupuram on 03.04.1991 as was the similar case with several other promoters who were posted to different circles as there was want of personnel to fill the existing vacancies.

3. The second respondent member Manimegalai had requested to be posted in Chennai but this request could not be fulfilled as there was no vacancy in Chennai Circle and further the other circle too were short of staff skilled in accountancy and hence the request had to be rejected. Subsequently, the said Manimegalai, had requested relinquish her right for promotion temporarily for a



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period of three years, in her representation dated 08.05.1991 and the same was accepted by the Superintending Engineer/Villupuram electricity Distribution Circle by memo dated 11.11.1991, subject to the condition that after the expiry of the said period, her claim to the right for promotion will be with reference to the state of affairs that will exist at the date i.e. After the expiry of the said period of relinquishment, without restoration of original seniority. The said Manimegalai after the completion of the said relinquishment period of three years and she was promoted as Assistant Supervisor in the panel approved in memo dated 08.08.1994 and she has joined duty on 31.08.1994 in the electricity distribution circle/West and retired voluntarily from the board's service on 30.11.1993. Thereafter, the member of the second respondent union Manimegalai raised an industrial dispute through the union before the Labour Court, Chennai. The Labour Officer had passed an award in favour of the second respondent Union. Aggrieved over the same, the petitioner Board has filed the present petition before this Court.

3. The learned counsel for the petitioner submitted that admittedly there is a clear violation for passing the dismissal order passed by the Labour Court and no opportunity was given to the petitioner at the time of trial and mechanically passed the impugned order, without considering the grounds



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raised by the petitioner. Further the Labour Court has erred in deciding that there was discrimination that the said Manimegalai was forced to give a relinquishment letter. The learned counsel for the petitioner submitted that the Labour Court has failed to take note of the inordinate delay on the part of the second respondent in raising an industrial dispute that is nearly a decade after the occurrence of events.

4. Per contra, the learned counsel for the second respondent submitted that admittedly the said Manimegalai, who is the member of the second respondent, was joined as Junior Assistant in the year 1963 and during her employment, she was promoted as Accounts Supervisor and transferred to Villupuram Electricity Distribution Circle. It appears that the said Manimegalai has made a representation to the petitioner to retain her in Chennai Electricity Distribution Circle due to her health reasons and the said request was rejected. Thereby, she submitted a relinquishment letter. While so, some promotees viz., Kumardas and Christy Jayaseeli of Chennai Electricity Distribution Circle were not relieved by their respective officers as per the directions of the respondent and allowed to continue as Assistants in their respective offices without giving relinquished of their promotion for a period upto 08.12.1991 and 24.03.1992 respectively and given revised posting on promotion in the city offices of



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Chennai. Since the above actions of the respondent was discriminatory the said Manimegalai vide her petition dated 31.03.1992 addressed to the Chairman had pointed out the discrimination shown to her in the matter of promotion which has completed her to give relinquishment of promotion under the threat of disciplinary proceedings. Therefore, the said Manimegalai approached the Labour Court and obtained an award in her favour, which cannot be interfered with by this Court.

5. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and perused the materials available on record.

6. The facts of the case are not in dispute. The member of the second respondent had joined in the Electricity Board in the year 1963 and she was promoted as Assistant in the year 1978 and she was working as Assistant at Annanagar East Revenue Branch of Chennai Electricity Distribution Circle. During her employment, she was promoted as Accounts Supervisor and transferred into Villupuram Distribution Circle. It appears that the said Manimegalai made a representation to the second respondent to retain her to Chennai Branch due to her health reasons and the same was denied. Thereby, she submitted a relinquishment letter. Though the individual claimed that she



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was forced by the second respondent was forced to give a relinquishment letter.

Thereafter, the said Manimegalai made a request before the petitioner. However, the said request was rejected and one Kumaradass and Christy Jayaseeli were also promoted and they were transferred to Gingee Distribution Circle but subsequently they were entertained to work at Chennai Circle. In such view of the matter, the request made by the individual viz., Manimegalai was rejected which is a clear discrimination. After considering the argument advanced by both sides, the Labour Court has rightly passed award in favour of the said Manimegalai, which is perfectly in order and the same needs not any interference.

7. In view of the above, the writ petition is dismissed. No costs. The petitioner is directed to extend the benefit to the second respondent member viz., Manimegalai within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No

NCS : Yes/No



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M.DHANDAPANI, J.

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