



W.P.No.19517 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19517 of 2017
and
W.M.P.No.21068 of 2017

V.Velayutham

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Limited,
rep.by its Chairman,
144, Anna Salai,
Chennai – 2.

2.The Chief Engineer, (Personnel),
TANGEDCO Limited,
144, Anna Salai,
Chennai – 2.

3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Mettur,
Mettur Dam.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 2nd respondent for issuing for an order of appointment to the 18 post of Assistant Accounts Officers by direct recruitment and before issuing order of promotion to the 88 Accounts Supervisors whose suitability was invited by the 2nd respondent vide letter No.099538/669/G.30/G.301/2016-2, dated 02.06.2017 without including the name of the petitioner in the TANGEDCO (per), CMD proceedings No.63 dated 25.06.2016 in the appropriate place for the promotion to the post of Assistants Accounts Officer and promote the petitioner as Assistant Account Officer with all consequential on par with his junior Mr.J.P.Rajasekaran, Kumaragurubaran, promoted as Assistant Accounts Officer on 01.12.2016.

For Petitioner : Ms.N.Lakshmi Priya

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This Writ Petition has been filed forbearing the 2nd respondent for issuing for an order of appointment to the 18 post of Assistant Accounts Officers by direct recruitment and before issuing order of promotion to the



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88 Accounts Supervisors whose suitability was invited by the 2nd respondent vide letter No.099538/669/G.30/G.301/2016-2, dated 02.06.2017 without including the name of the petitioner in the TANGEDCO (per), CMD proceedings No.63 dated 25.06.2016 in the appropriate place for the promotion to the post of Assistants Accounts Officer and promote the petitioner as Assistant Account Officer on par with his junior Mr.J.P.Rajasekaran Kumaragurubaran, promoted as Assistant Accounts Officer on 01.12.2016.

2.The petitioner was appointed as Helper (Trainee) on compassionate ground on 04.02.1991. After completion of 3 years, his service was regularised as Helper in 1994. He was appointed as Junior Assistant through internal selection and he joined in the said post on 6.8.1994, On 14.1.1999, he was promoted as Assistant/Accounts, taking into consideration of passing of Account Test for Subordinate officer's Part-1. With the permission of the Board, the petitioner completed his B.Com., Degree in May 2005. Thereafter, the name of the petitioner was included in the panel



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for promotion to the post Accounts Supervisor, by proceedings of the 2nd respondent vide Memo, dated 13.12.2006 and his Sl.No.1145 out of 1677. He was promoted as Accounts Supervisor on 26.6.2008.

3.The learned counsel for the petitioner would submit that the petitioner was promoted as Accounts supervisor on 26.6.2008. One Mr.J.P.Rajasekaran Kumaragurubaran was promoted on 1.12.2010. The 2nd respondent by memo dated 2.6.2017 invited suitability for promotion to the post Assistant Accounts Officer with crucial date of 25.3.2017 and in that list, the petitioner name was not included and it contains 88 Accounts Supervisor names. Further, the Board issued a Notification dated 13.6.2017 inviting applications for the 18 post of Assistant Accounts Officer, through direct recruitment with the qualification of Chartered Account/Cost and Management Accounts. The Board conducted written examination and published result on 22.7.2017 and viva voce was held on 27.7.2017. As per the proceeding dated 29.11.1975, without filling up of vacancies by internal selection, imposed ban on direct recruitment. Therefore, it is clear that the



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Board has to fill up the vacancies by internal selection first and remaining vacancies to be filled up by direct recruitment. In the event of appointment of 18 post of Assistant Accounts Officer, they will be the senior to the service candidates and it will affect of the right of Seniority of the petitioner and 88 others. Hence, the petitioner made representation dated 19.6.2017 to the 2nd respondent requesting to include the name of the petitioner in the panel for promotion to the post of Assistant Accounts officer vide TANGEDCO (Per) CMD, Proceedings No.63 dated 25.6.2016, and seeking promotion as Assistant Accounts Officer on par with his junior Mr.Rajasekara Kumaruagurubaran who was promoted as Assistant Accounts officer on 01.12.2016. Hence, this Writ Petition.

4.The learned Standing Counsel for the respondents/ TANGEDCO would submit that the petitioner was appointed as Helper (Trainee) and after completion of 3 years, he was appointed as Helper. The petitioner is working as Account Supervisor on 26.06.2008 onwards. As per sub Reg. No.96 (15) (2) of TNEB SR passing of the following special tests is a



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mandatory requirement for consideration of further promotion at stated below:

Sl.No.	Posts	Tests
1	Assistant Accounts Officer	Accountancy Higher Grade
	Accounts Supervisor	Accountancy Lower Grade
	Assistant (Accounts)	Account Test for Subordinate Officers Part-t

(Note: The persons who possess the B.Com, degree shall not be required to pass Technical Exam in Accountancy)

5.The learned counsel would submit that in the case of J.P. Rajasekara Kumaragurubaran relied on by the petitioner, he has not been considered for promotion to the post of Accounts Supervisor in the Panel drawn in the year 2006 as he had not qualified on the crucial date on 20.03.2006. However, he had passed B.Com., degree after the said crucial date. His name has not been considered in the further panel. However, his name was considered in the panel drawn during the year 2010. His request



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to include his name in the year of 2006 panel has been rejected. He had challenged the order of rejection in W.P.No.7296 of 2007. This Court, by order dated 03.09.2007 dismissed the Writ Petition. Aggrieved by the order he had filed W.A.No.121/2008 and on 01.02.2010 the Division Bench disposed of the writ appeal with direction to the respondents to include the petitioner's name in the list drawn with reference to the cutoff date on 20.03.2007, and that he should be assigned proper seniority number in the order of considering his candidature for further promotion to the post of Accounts Supervisor. In pursuance of the said order of the Division Bench, orders were issued in Memo, dated 06.03.2013 by including the name of Thiru. J. P. Rajasekara Kumaragurubaran in the panel dated.26.12.2006 and refixed seniority as 1000(a). As such, it is made clear that the petitioner has been most junior to Mr.J.P. Rajakara Kumaraunion and his promotion was restored in 2007 and thereafter, he came with the Zone of promotion and as such he has promoted as AAO. Whereas, the petitioner has not come within the zone of promotion and that therefore he has not promoted as AAO, ahead of the said Thiru. J. P. Rajasekara Kumaragurubaran. Therefore, the



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relevance placed on the said senior is incorrect. The following comparative table would prove that Thiru.J.P.Rajasekara Kumaragurubaran is not junior to the petitioner in the service.

Sl.No	Name	Common Seniority No. in Assistant (Accounts)	Date of joined as Assistant (Accounts)	Actual date of joined as Accounts Supervisor	Date of joined as AAO
1.	V.Velayutham (petitioner)	2491	14.01.1999	26.06.2008	Not yet
2.	J.P.Rajasekara Kumaragurubaran	1831	02.05.1996	01.12.2010 promoted to the year 2007 as per W.A.No.12 1/2008	01.12.2016

Accordingly, the petitioner is not senior to the said J.P.Rajasekara Kumaragurubaran.

6.On perusal of the records, it is seen that the petitioner was appointed as Helper (Trainee) on compassionate ground on 04.02.1991. After completion of 3 years, his service was regularised as Helper in 1994.



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The petitioner completed his B.Com., Degree in 2005. Thereafter, the name of the petitioner was included in the panel for promotion to the post Accounts Supervisor, by proceedings of the 2nd respondent vide Memo, dated 13.12.2006 and his Sl.No.1145 out of 1677 and he was promoted as Accounts Supervisor on 26.6.2008. One Mr.J.P.Rajasekaran Kumaraguruparan was promoted on 01.12.2010 as per judicial intervention in W.A.No.121 of 2008. Therefore, the petitioner cannot rely on him. Further, the TANGEDCO due to requirements to professionally qualified has recruited personnels through direct recruitment within the power and scope of the THEB Service Regulations and as such, the petitioner cannot have any grievance as and when the petitioner reached the zone for consideration. The case of the petitioner will be considered as per the Regulations and Orders in force. Hence, the question of consideration of the Petitioner in Panel for Promotion to the post of Assistant Accounts Officer, does not arise.



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Accordingly, this Writ Petition is dismissed. Consequently, connected

Miscellaneous Petition is closed. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

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144, Anna Salai,
Chennai – 2.

2.The Chief Engineer, (Personnel),
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