



Writ Appeal No.2227 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 01.08.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal No.2227 of 2018

K.Namadevan
Line Inspector

... Appellant

Vs

1. The Secretary,
TANGEDCO/TNEB,
144, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer/Personnel,
TANGEDCO/TNEB,
144, Anna Salai,
Chennai – 600 002.

3. The Superintending Engineer,
TANGEDCO/TNEB,
Kancheepuram Electricity Distribution Circle,
Kancheepuram.

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 11.12.2017 in W.P.No.31994 of 2017 and direct the respondents to implement the B.P.No.223 dated 21.11.2009 clause



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13.4(VI) in so far as three promotions to the appellant and consequent to give all attendant benefits.

For Appellant : Mr.K.Prem Kumar

For Respondents : Mr.David Sundar Singh
for TANGEDCO

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This writ appeal had been directed against the order passed in W.P.No.31994 of 2017 dated 11.12.2017.

2. The appellant was the writ petitioner before the Writ Court, who filed W.P.No.31994 of 2017, where he sought for a writ of mandamus seeking a direction to the third respondent to implement B.P.No.223 dated 21.11.2009 clause 13.7 (VI) insofar as the three promotions to the petitioner and consequently to give all attendant benefits.

3. The said writ petition was rejected by the learned single Judge through the impugned order dated 11.12.2017.



4. Assailing the same, the learned counsel appearing for the appellant would submit that even though the appellant/petitioner retired prior to Board Proceeding i.e., B.P.No.223 was issued even then he is entitled to get such benefits and therefore, the delayed approach on the part of the writ petitioner/appellant cannot be said as a reason as has been stated by the learned single Judge, he contended.

5. Heard Mr.David Sundar Singh, learned Standing Counsel appearing for the TANGEDCO.

6. Insofar as the claim made by the petitioner/appellant is that on 31.05.2008, the petitioner/appellant retired from service and with regard to the implementation of the new scheme, a Board Proceedings was issued in B.P.No.223 dated 21.11.2009, where in a particular clause such promotion based on length of service has been suggested.

7. However, insofar as the petitioner/appellant is concerned, he did not ask for any such benefits, moreover, such a benefit accrued only on the employees, who all are working. Hence, the Board Proceedings dated 21.11.2009 whether would apply to the petitioner/appellant, who admittedly retired on 31.05.2008 is also a question.



8. Taking note of all these aspects, the learned single Judge has held that, first of all the employee, who retired on 31.05.2008 cannot seek for any benefit, which has been subsequently accrued by issuance of B.P.No.223 dated 21.11.2009.

9. Secondly, the learned Judge has held that after long years (eight years) i.e., after long slumber, the petitioner had approached, that is also one of the reason the learned Judge says that the writ petition has to be rejected.

10. We have gone through the order passed by the learned Judge, where he has stated the following:

“4. When the petitioner has come to this Court seeking to implement Board Proceeding No.223 dated 21.11.2009 clause 13-7(vi), counsel appearing on behalf of the petitioner has not even shown any proceedings, which has finalised all the three promotions and given to regular employees. That apart, when the petitioner had retired from service on 31.05.2008, he is not able to show as to how, the Board proceedings No.223 dated 21.11.2009 could be given with retrospective effect. Moreover, after retirement on 31.05.2008, the petitioner has slept over for the last nine long years and now, has come to this Court



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seeking the prayer mentioned supra. Further, the writ petition also does not show whether at any point of time, from the years 2009 to 2012, he has given any representations to effect three promotions. While concluding, learned counsel for the petitioner invited the attention of this Court to Board proceeding No.223 dated 22.11.2009, Regulation 10, namely, Date of Effect and submitted that the revised pay scale shall take effect from 1st December, 2009 and shall be in force for a period of four years from 1st December, 2007, however, the same does not speak about the three promotions to any one.”

11. The said approach of the learned single Judge cannot be found fault with therefore, we do not find any error in the order passed by the learned single Judge.

In the result, the writ appeal fails and hence, it is dismissed. No costs.

(R.S.K.,J.)

(K.B., J.)

01.08.2023

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation:Yes/No

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and
K.KUMARESH BABU.,J.

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To

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