



W.P.No.20954 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.20954 of 2011

- 1.C.Mariappan
- 2.A.Mathaiyan
- 3.K.Karuppanan
- 4.C.Sunderavelu
- 5.P.Prasad
- 6.A.Subramani

... Petitioners

Vs

- 1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Represented by its Chief Engineer,
No.144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer (Distribution).
Erode Region,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
EVN Salai, Erode.
- 3.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,

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Mettur Dam-1, Salem District.

4.The Executive Engineer (O&M)
Mettur Division,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Mettur Dam-1, Salem District.

5.The Executive Engineer (O&M)
Sangagiri Division,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Sangagiri Dam-1, Salem District.

6.L.Kannan

7.R.Sengottuvelan

... 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 pertaining to the impugned orders dated 25.08.2011 and 24.08.2011 in Memo Mo.106968/1651/G42/G42(2)/2010-5 and in Memo No.259982/736/G42/GF42(2)/2011-3 respectively, passed by the 1st respondent, quash the same and consequently direct the respondents 1 to 3 to promote the petitioners Foreman Grade-I in the existing vacancies and also in the vacancies which may arised in the

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year 2011 as per their seniority in Mettur Electricity Distribution Circle with all consequential benefits.

For Petitioner : Ms.V.Porkodi
for Mr.R.Krishnaswamy

For RR 1 to 5 : Mr.K.Rajkumar
Standing Counsel

For RR6 & 7 : No appearance

ORDER

This Writ Petition has been filed by the petitioners challenging the orders passed by the 1st respondent and consequently direct the respondents 1 to 3 to promote the petitioners as Foreman Grade-I in the existing vacancies and also in the vacancies which may arise in the year 2011 as per their seniority in Mettur Electricity Distribution Circle with all consequential benefits.

2. Heard Ms.V.Porkodi, learned counsel for Mr.R.Krishnaswamy, learned counsel for the petitioners and Mr.K.Rajkumar, learned Standing Counsel for the respondents 1 to 5.

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3. A counter had been filed by the 3rd respondent on behalf of the respondents 1 to 5. For better appreciation, paragraph 14 of the said counter is extracted hereunder:-

14.1 submit that the persons transferred from Salem Electricity Distribution Circle to Mettur Electricity Distribution Circle vide Memo.106968/1651/G42/G42(2)/2010-5 dt. 05.08.2011 and Memo.059982/736/G42/ G42(2)/2011-3 dt.24.08.2011 have not yet joined in the transferred circle. However the petitioners Thiruvallargal, C.Mariappan, A.Madaiyan and P.Prasad were promoted as Foreman I Grade vide கு.ஆ.எண்.மே.பா.பொ/மே/நி.பி.1/(2)/கோ.முமுநி/ஆர்.742/2011, நாள் 24.12.2011. The petitioners Thiru. K. Karuppannan and A. Subramani were promoted as Foreman I Grade vide கு.ஆ.எண்.மே.பா.பொ/மே/நி.பி.1/(2)/கோ.முமுநி/ஆர்.52/2012, நாள் 27.03.2012 and Thiru. C.Sundaravelu was promoted as Foreman I Grade கு.ஆ.எண்.மே.பா.பொ/மே/நி.பி.1/(2)/கோ.முமுநி/ஆர்.124/2012, நாள் 11.04.2012 of 3rd Respondent. The above petitioners were promoted as per their turn/Seniority. They were not sustained any loss in their seniority due to the above



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transfers cited by the petitioners, and they have also joined in the promoted post and continued to be working as Foreman I grade.”

On perusal of the aforesaid paragraph of the counter, it had been indicated that the private respondents in the Writ Petition had not abided the order of transfer and therefore, the petitioners 1, 2 and 5 were promoted as Foreman Grade -I vide proceeding dated 24.12.2011 and petitioners 3 and 6 were promoted as Foreman Grade -I vide proceeding dated 27.03.2012 and the 4th petitioner was promoted as Foreman Grade -I vide proceeding dated 11.04.2012. These promotions were made as and when vacancies arose in the Grade of Foreman-I.

4. In view of the specific statement made by the learned counsel for the respondents in their counter, the *lis* that is sought to be adjudicated upon in this Writ Petition no longer survives. Therefore, this Writ Petition is closed. However, there shall be no order as to

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costs.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

K.KUMARESH BABU,J.

Gba

To

- 1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Represented by its Chief Engineer,
No.144, Anna Salai,
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- 2.The Chief Engineer (Distribution).
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- 4.The Executive Engineer (O&M)
Mettur Division,
Tamil Nadu Generation and

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Distribution Corporation Ltd.,
Mettur Dam-1, Salem District.

5.The Executive Engineer (O&M)
Sangagiri Division,
Tamil Nadu Generation and
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