



WA(MD)No.293 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.03.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

W.A.(MD)No.293 of 2013

R.Kalaichelvi

..Appellant

Vs.

1.The Tamilnadu Electricity Board
Rep.by its Chairman
No.144 Anna Salai
Chennai 600 009.

2.The Chief Engineer-Establishment
The Tamil Nadu Electricity Board
No.144 Anna Salai
Chennai 600 002.

3.The Superintending Engineer
Tamil Nadu Electricity Board,
Trichy/EDC/South
Mannapuram
Trichy.

4.The District Employment Officer,
Williams Road,
Trichy 620 001.

.. Respondents



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Appeal filed under Clause 15 of the Letters Patent against the order dated 14.06.2012 made in WP(MD) No.8732/2011.

For Appellant : Mr.K.S.Shankaramurali
For Respondents : Mr.A.K.Manikkam for R4
Special Government Pleader
Mrs.M.Parameswari for R1 to
R3

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This writ appeal has been directed against the order of the writ Court dated 14.06.2012 made in WP No.8732/2011.

2. The appellant/petitioner name had not been sponsored by the Employment Exchange, when a list of persons eligible to be appointed for the post of Assessor was called for by the Tamil Nadu Electricity Board.

3. Therefore, the appellant/petitioner at that moment filed a writ petition before this Court in WP No.508/2009 seeking a direction for appointment to the post of Assessor. The Writ Court, by order dated



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22.06.2009, gave liberty to the petitioner/appellant to give a representation that was directed to be considered.

4. That representation was also given on 03.08.2009 and the same was disposed of by the Chief Engineer (Personnel) by order dated 28.08.2009, wherein, it is stated that the petitioner/appellant already reached 40 years and she is beyond 40 years, she cannot be considered for the post of Assessor, as against which once again another WP No.27192/2010 was filed, where also a remand order was passed directing the respondent electricity board to pass a fresh order. Based on which, a fresh order has been passed stating that the petitioner crossed 40 years in 2003, whereas the recruitment was taken place in the year 2009. Therefore, at any stretch of imagination, the candidature of the appellant/petitioner cannot be taken into consideration for appointment to the post of Assessor. Challenging the same, she filed W.P.No.8732/2011, where the appellant/petitioner has taken a stand that there has been a board proceedings issued in this regard ie., BP(FB) No.25 (Administrative Branch), dated 28.10.2006, where-under relaxation can be given, ie., the upper age limit for the appellant to the post of Assessor. Therefore, claiming such a benefit and challenging the order of



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rejection dated 22.07.2011, when writ petition was filed stated supra, having considered the same, the writ Court, by order dated 14.06.2012, rejected the plea of the petitioner, as against which, the present appeal has been directed.

5. Heard the learned counsel for the appellant and the learned standing counsel for the respondents.

6. The learned counsel for the appellant/petitioner would submit that when there had been a Board Proceedings as stated supra, the benefit of the said Board Proceedings can very well be extended to the appellant also, thereby, the upper age limit as has been prescribed for in the recruitment inviting applications for the post of Assessor can very well be relaxed to the case of the appellant/petitioner and that aspect has not been considered in proper perspective by the learned Judge in the impugned order. Hence the learned counsel seeks indulgence of this Court.

7. Heard the learned standing counsel, who would submit that relaxation if at all to be given even as per the Board Proceedings No.25, assuming that if it is applicable even for Assessors, it would not be applied



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to the petitioner, since it is categorically stated that no person above the age of 35 years could be recruited irrespective of the category which he belongs to, the relaxation granted under B.P.(FB) No.25 could not be extended to the recruitment for Assessors.

8. We have considered the said rival submissions made by the learned counsel on either side and we have perused the materials available on record.

9. The learned Judge, when dealing with the issue in the impugned order, has also discussed as to how the applicability of B.P.25 cannot be extended to the post of Assessors that too beyond 40 years, as the petitioner/appellant admittedly reached 40 years even in the year 2003 itself. The relevant portion of the order of the writ Court reads thus:

“10. Later, the Tamil Nadu Government issued G.O.Ms.No.98, Personal Administrative Reforms(S) Department, dated 17.07.2006 granting five years relaxation in addition to the recruitment of persons as to the age. The said Government order was applied to Electricity Board by way of B.P(FB)No.25, Administrative Branch, dated 28.10.2006. In



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the impugned order, dated 22.07.2011, the Chief Engineer(Personnel) proceeded as if B.P.(FB)No.25 is applicable even for Assessors. In my view, B.P.(FB)No.25 could not be applied for Assessors. Since it is categorically stated that no person above the age of 35 years could be recruited irrespective of the category which he belongs to, the relaxation granted under B.P.(FB)No.25 could not be extended to the recruitment for Assessors. In any event, the Assessors who are appointed granting relaxation in terms of B.P.(FB)No. 25 could not be disturbed. Even if the benefit under B.P. (FB)No.25 granted, the petitioner could not be appointed to the post of Assessor since she crossed 40 years in 2003 itself. It is stated that her date of birth is 25.05.1963. But the recruitment took place only after 2007. Therefore, I do not find any infirmity in the impugned order. Hence, the writ petition stands dismissed. It is made clear that if the petitioner is eligible to other post, she shall also be considered for the same as per the Rules. No costs.

10. We do not find any error in the said stand taken by the learned Judge as such a relaxation cannot be stretched upon beyond 40 years that too for the post of Assessor in view of the specification made thereunder. Therefore, the view taken by the learned Judge is fully justified and hence,



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it does not warrant any interference from this Court.

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11. In the result, the writ appeal fails and the same is dismissed. No costs.

(R.S.K.,J.) (K.K.R.K.,J.)
21.03.2023

NCC : Yes/No
Index : Yes/No
RR

To

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