



W.P.(MD)No.2807 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.2807 of 2023
and
W.M.P.(MD)No.2605 of 2023**

N.Sankar

... Petitioner

Vs.

The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi - 2.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to revise the Final Seniority List relating to Heavy Vehicle Drivers by considering the petitioner's objection and in light of the order passed by the Labour Court, Tirunelveli in I.D.No.87 of 2015, dated 30.12.2016.

For Petitioner : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy
and Associates

For Respondent : Mr.S.Arivalagan



WEB COPY



W.P.(MD)No.2807 of 2023

ORDER

This Writ Petition has been filed for a direction to the respondent to revise the Final Seniority List relating to Heavy Vehicle Drivers by considering the petitioner's objection and in light of the order passed by the Labour Court, Tirunelveli, in I.D.No.87 of 2015, dated 30.12.2016.

2. The case of the petitioner is that the petitioner was working as Senior Grade Driver from 23.05.2007. Though he was entitled for promotion as Heavy Vehicle Driver in the year 2013 itself, due to mistake committed by the Superintending Engineer, TEDC while drawing the seniority panel, he was deprived of promotion and his junior, namely, Ganesan was wrongly promoted. Hence, the petitioner has submitted various representations to the Superintending Engineer, TEDC and also to the CITU Employees Union. In view of the same, the Secretary of Union raised an Industrial Dispute in I.D.No.87 of 2015 before the Labour Court seeking restoration of seniority, promotion and monetary benefits with effect from 2013 onwards. On 30.12.2016, the Labour Court, Tirunelveli,



W.P.(MD)No.2807 of 2023

has passed the award that the petitioner should be granted promotion on par with his junior Ganesan with effect from 27.12.2013. But till date, the award passed by the Labour Court has not been implemented by the Superintending Engineer, TEDC. Further, he was belatedly granted promotion on 14.12.2020 in the post of Heavy Vehicle Driver. In these circumstances, the Superintending Engineer has issued the Final Seniority List dated 28.11.2022, in which, once again the Superintending Engineer has failed to give effect to the Labour Court award and wrongly kept his name below the above mentioned junior. The next level promotion is Special Grade Driver. Since one John Selvaraj, who is presently working as Special Grade Driver is reaching superannuation on 28.02.2023, therefore, in that vacancy, the petitioner is entitled to be promoted. In view of the mistake committed in drawing seniority by placing him below to his junior Ganesan, he will be seriously prejudiced. Hence, the petitioner has made a representation dated 25.01.2023 to revise the final seniority list. But, till date, the same has not been considered. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.



W.P.(MD)No.2807 of 2023

WEB COPY

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondent is directed to consider the representation of the petitioner, dated 25.01.2023, on merits and in accordance with law, within a specified period.

4. The learned counsel appearing for the respondent has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondent to consider the petitioner's representation, dated 25.01.2023 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any.



W.P.(MD)No.2807 of 2023

WEB COPY

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

13.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

The Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
Thoothukudi - 2.



WEB COPY



W.P.(MD)No.2807 of 2023

M.DHANDAPANI,J.

vji

W.P.(MD)No.2807 of 2023

13.02.2023