



W.P.(MD)Nos.5351, 4051 and 4055 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2023

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)Nos.5351, 4051 and 4055 of 2020
and W.M.P.(MD) Nos.4635, 4636 of 2020 & 4021 of 2021, 3427, 3429
of 2020 & 4019 of 2021 and 3432, 3430 & 4009 of 2021

R.Vigneshwaran ...Petitioner in W.P.(MD) No.5351 of 2020

S.Selvi Ramalakshmi ...Petitioner in W.P.(MD) No.4051 of 2020

J.R.Bindu ...Petitioner in W.P.(MD) No.4055 of 2020

-Vs.-

- 1.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer, (Personnel),
Tamil Nadu Generation and Distribution Corporation Limited,
Eastern Wing, 8th Floor,
NPKRR Maligai, 144, Anna Salai,
Chennai – 600 002. ...Respondents in W.P.(MD) No.5351/2020

- 1.The Chairman-cum-Managing Director,
Board of TANGEDCO Ltd.,
144, Anna Salai,
Chennai – 600 002.



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2.The Chief Engineer, (Personnel),
TANGEDCO Ltd.,
144, Anna Salai,
Chennai – 600 002.

...Respondents in W.P.(MD) No.4051 &
4055 of 2020

PRAYER in W.P.(MD) No.5351 of 2020:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the impugned amendment made to Regulation No.91(2)(d)(ii) with regard to the upper age limit for the post of Assistant Engineer in (PER) FB TANGEDCO proceedings No.2 dated 15.02.2020 issued by the 1st respondent and quash the same in respect of prescribing maximum age limit is 32 years with respect to BC candidates.

PRAYER in W.P.(MD) No.4051 of 2020:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the impugned amendment made to Regulation No.91(2)(d)(ii) with regard to the upper age limit for the post of Assistant Engineer in Proceedings No.2 dated 15.02.2020 issued by the 1st respondent and the consequential impugned notification of the 2nd respondent in No.04/2020, dated 15.02.2020 and quash the same in respect of prescribing maximum age limit as and 32 years for candidates belong to BC others.

PRAYER in W.P.(MD) No.4055 of 2020:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the impugned amendment made to Regulation No.91(2)(d)(ii) with regard to the upper age limit for the post



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of Assistant Engineer in Proceedings No.2 dated 15.02.2020 issued by the 1st respondent and the consequential impugned notification of the 2nd respondent in No.04/2020, dated 15.02.2020 and quash the same in respect of prescribing maximum age limit as and 32 years with respect to SC/ST candidates.

For Petitioner in W.P.(MD) : Mr.M.Gnanagurunathan
No.5351 of 2020

For Petitioner in W.P.(MD) : Mr.H.Arumugam
Nos.4051 and 4055 of 2020

For Respondents in all the : Mrs.P.Malini
Writ Petitions for M/s.T.S.Gopalan & Co

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Petitions on hand have been instituted to call for the records of the impugned amendment made to Regulation No.91(2)(d)(ii) with regard to the upper age limit for the post of Assistant Engineer in Proceedings No.2, dated 15.02.2020, issued by the 1st respondent and the consequential impugned notification of the 2nd respondent in No.04/2020, dated 15.02.2020, and quash the same in respect of prescribing maximum age limit as 32 years with respect to BC candidates, BC others and SC/ST candidates respectively.



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2. With reference to the very same relief, Writ Petition filed in W.P.No.6689 of 2020 was decided by the Division Bench of the High Court at Principal Seat on 16.03.2020. The impugned proceedings are one and the same and dated 15.02.2020. Therefore, we have no other reason to reconsider the grounds raised in these Writ Petitions. The relevant portion of the order passed by this Court reads as under:-

“9. We have considered the submissions raised and we find that the impugned amendment dated 15.02.2020 is in respect of the posts of Assessor, Assistant Engineer/Electrical, Civil and Mechanical. The Corporation, in its Meeting held on 07.01.2020, took the following decisions:-

.... “73) The Assistant Engineer recruited in TANGEDCO have to Execute/Supervise/Carry out Distribution & Maintenance works such as the repairing or calibration of Instruments, protection, inserting requirements report of power transformers and distributors transformers, manufacturer of specific type of structural works like pillar boxes, dampers, panels etc., attending break down, overloading and maintaining of station equipments maintaining power supply and equipment and should differentiate the terminate (A.B. Switches, breakers, clamps, panels etc.) and if they are posted to Substations, Generation Units etc., they have to work in any of the Unit/Offices of Thermal, Hydro



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Generation Stations of TANGEDCO (Situating in Hill and reference areas) and in certain cases to discharge their duties during emergencies such as Cyclone, Flood etc., and when need arises to climb transformer structure etc., The Assistant Engineers have to act swift in case of emergencies in the Power House and must be physically fit to perform such duties.

4) TANGEDCO after considering the work, nature, Medical condition and Age factor and taking into account that the persons in the age group upto 35 years would work more effectively than that of the persons above the age of 35 in the Hill regions, Thermal Stations and during emergencies such as Cyclone, Flood etc., and also that person belonging to age group below 35 would have learned about the latest technologies, equipments and they would be upto date, have decided to limit the upper age criterion to the vacancies to be recruited vide proceedings No.13, dated 29.11.2019.

5) Based on the approval of the Full Board of TANGEDCO, the upper age limit in the above Direct Recruitment for the post of Assistant Engineer has been fixed as detailed below:

A. AGE (as on 01.07.2019)



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Sl. No.	Category of Candidates	Minimum Age (Should have completed)	Maximum Age (Should not have completed)
1.	SC, SC(A), ST, Destitute Widow	18 years	35 years
2.	MBC/DC, BCO, BCM	18 years	32 years
3.	'Others' (i.e. Candidates not belonging to SC, SC(A), ST, MBC/DC, BCO and BCMS)	18 years	30 years

Note:

(i) For Differently Abled Persons:

Differently Abled Persons are eligible for age concession upto 10 years over and above the maximum age limit prescribed above.

(ii) In respect of Apprenticeship candidates, age relaxation will be allowed to the extent of the actual period of apprentice training.

(iii) For ex-servicemen:

a. The maximum age limit is 53 years for the Applicants who belong to SC, SC(A), ST

b. The maximum age limit is 48 years for “? others”? (i.e) Applicants not belonging to any of the above said categories.

(BY ORDER TO THE BOARD OF TANGEDCO) ?



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10. A perusal of the said decision would clearly indicate the rationality and reasoning which stands reflected in the consideration made by the Board to take such a decision. We have not been able to gather any arbitrariness or irrationality in the decision of the Board in arriving at a conclusion on the basis of whatever has been deliberated upon. In the absence of any perversity in the said reasonings, we cannot sit in appeal over the decision taken that has resolved not to relax the upper age limit prescription against the said two posts.

11. We, therefore, find that the same is neither arbitrary nor manifestly arbitrary or even otherwise, unreasonable so as to strike it down on the ground of impinging Article 14 of Constitution of India.

12. The question of vested right, as raised by the learned counsel for the petitioner, does not appeal to reason inasmuch as, we have not been able to locate any vested right with the petitioner that may have accrued otherwise also so as to raise a challenge to the impugned amendment.

13. Consequently, for all the aforesaid reasons, we do not find any reason to entertain the writ petition on the ground so raised. The petition lacks merits and the accordingly, the same is dismissed. No costs.”



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3. In view of the order cited supra, the present Writ Petitions stand dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**[S.M.S.J.,] & [V.L.N.J.,]
19.10.2023**

NCC :Yes/No
Index :Yes/No

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S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

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