



W.P.(MD)No.14830 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14830 of 2020
W.M.P(MD).No.12494 of 2020

1.M.Krishnasamy
2.S.Vellaisamy
3.P.Arjunakumar
4.K.Karkuvelayyannar

... Petitioners

Vs.

1.The Chairman cum Managing Director,
TANGEDCO/TNEB,
No.144, 10th Floor,
Anna Salai,
Chennai.

2.The Chief Engineer/Personnel,
TANGEDCO/TNEB,
No.144, 10th Floor,
Anna Salai,
Chennai.

3.The Superintending Engineer (Metro),
Tamil Nadu Generation and Distribution Corporation,
Trichy Electricity Distribution Circle,
Manarpuram,
Trichy-620020.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in letter No.074048/307/Ji.46/Ji/461/2019-5 dated 08.09.2020 on the file of the second respondent and the consequential impugned order in Ku.Aa.No.1433/Ni.Mea/Ni.Pi.2/U1/Koo.Pa.U.Mu.Va.Thirutham/2020-4, dated 29.09.2020 on the file of the third respondent and quash the same as illegal and consequently for a direction, directing the respondents to promote the petitioners to the post of Foreman Grade-I as per the panel list drawn in Memo.No.436/Adm-II/A1/F.FM I G(Panel)/2020 dated 16.03.2020 on the file of the third respondent within the time period stipulated by this Honble Court.

For Petitioner : Mr.T.Aswin Rajasimman
For Respondents : Mrs.M.Parameswari

ORDER

This writ petition has been filed to call for the records pertaining to the impugned letter No.074048/307/Ji.46/Ji/461/2019-5 dated 08.09.2020, issued by the second respondent and the consequential impugned order in Ku.Aa.No.1433/Ni.Mea/Ni.Pi.2/U1/Koo.Pa.U.Mu.Va.Thirutham/2020-4, dated 29.09.2020 issued by the third respondent, quash the same as illegal and direct the respondents



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to promote the petitioners to the post of Foreman Grade-I as per the panel list drawn in Memo.No.436/Adm-II/A1/F.FM I G(Panel)/2020 dated 16.03.2020, issued by the third respondent within the time period stipulated by this Court.

2. The learned counsel appearing for the petitioners would submit that the petitioners have joined as Casual Labourers in the year 1995 in the Tamil Nadu Generation and Distribution Corporation and thereafter, they were duly absorbed to the post of Helper on 01.05.1999. In the year 2003, they were promoted to the post of the Wireman and thereafter, by way of promotion, they were further promoted to the post of Line Inspector in the year 2009. Now, they are working as Administration Supervisors under the third respondent. While so, the third respondent, through the proceedings in Memo No.436/Adm-II/A1/F.FM I G (Panel)/2020 dated 16.03.2020 has drawn the panel list for promotion to the post of Foreman Grade-I. Following the panel list drawn, out of 100 selected candidates, 53 candidates were duly allotted through the proceedings dated 18.03.2020. The first, second and third petitioner hold



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the serial Nos.54, 55 and 56 respectively and the fourth petitioner holds the serial No.94 in the panel drawn for promotion to the post of Foreman Grade-I. However, through the impugned order dated 08.09.2020, the second respondent issued a direction to redraw the panel on the ground that the panels prepared in the year 2007 and 2008 were merged together and therefore, the panel prepared on 16.03.2020 is contrary to the proceedings dated 05.02.2018 and 19.03.2020 and consequently, the third respondent issued the consequential impugned order dated 29.09.2020 inserting nine candidates by way of revising the original panel already drawn on 16.03.2020. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioners have reached the zone of feeder category and they are eligible to the post of Foreman Grade-I. Though the panel prepared on 16.03.2020 is contrary to the proceedings dated 05.02.2018 and 19.03.2020, the same has been prepared based on the seniority which cannot be interfered with. Hence, he prays for allowing the present writ



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petition.

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4. The learned counsel appearing for the respondents would submit that earlier there was a dispute with regard to the preparation of panel and the aggrieved persons have filed writ petitions before this Court in W.P(MD).No.12818 of 2012 etc., This Court, vide its order dated 08.06.2017 has also issued a direction to the effect that “after carrying out amendment to the Regulation, the respondent/Board shall scrupulously adhere to the criterion/norms mentioned in the amended Service Regulations without reference to Regulation 98 of TNEB Service Regulations. The respondent/Electricity Board shall complete the exercise by amending the Service Regulations within a period of six months from the date of receipt of a copy of this order”. In pursuance of the order passed by this Court, the second respondent has issued the proceedings dated 12.12.2017 and 27.12.2017 prescribing five years experience in the feeder category of Commercial Assistant and Wireman, for promotion as Commercial Inspector and Line Inspector, until further orders, and that such experience of five years prescribed shall be in the



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type of work concerned. Thereafter, the second respondent vide letter dated 08.09.2020 has clarified that the Panel of Commercial Inspector and Line Inspector for promotion as Foreman Grade-I published on 16.03.2020 by merging the panels for promotion as Commercial Inspector and the Line Inspector for the year 2007 along with the panel for promotion as Line Inspector for the year 2008 is contrary to the clarifications issued in the Memos dated 05.02.2018, 16.02.2018 and 19.03.2020 and therefore, a further direction was issued to revise the Promotion Panel dated 16.03.2020 as per the Memos dated 05.02.2018 and 19.03.2020 of the second respondent. Thus, it is made clear that the names found in the Panels of Commercial Assistants and Line Inspectors for the year 2007 should be placed above the names in the Panel of Line Inspectors for the year 2008. Thereafter, the 3rd respondent has passed the consequential impugned order dated 29.09.2020 and placed the nine Commercial Inspectors above the petitioners and promoted the said nine Commercial Inspectors as Foreman Grade-I notionally with effect from 20.03.2020. Hence, the impugned orders need not be interfered with by this Court.



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5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

6. The facts in the present case are not in dispute. The petitioners have reached the zone of feeder category to the promotion to the post of Foreman Grade-I. However, the petitioners have not disclosed in the present case whether they are in the panel of the year 2007 or in the panel of the year 2008. Admittedly, earlier there was a confusion with regard to the fixation of eligibility criteria for promotion to the post of Foreman Grade-I, for which, the aggrieved persons have filed writ petitions in W.P(MD).No.12818 of 2012 etc., before this Court. This Court issued a direction to the respondent Board to the effect that “after carrying out amendment to the Regulation, the respondent/Board shall scrupulously adhere to the criterion/norms mentioned in the amended Service Regulations without reference to Regulation 98 of TNEB Service Regulations and the respondent/Electricity Board shall complete the exercise by amending the Service Regulations within a period of six months from the date of receipt of a copy of the order”. In pursuance of



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the same, the second respondent issued proceedings dated 12.12.2017 and 27.12.2017 prescribing five years experience in the feeder category of Commercial Assistant and Wireman, for promotion as Commercial Inspector and Line Inspector. Thereafter, the second respondent has issued clarification vide Memo dated 05.02.2018 with regard to the promotion to the post of Foreman Grade-I.

7. In the present case, the Panel of Commercial Inspector and Line Inspector for promotion to the post of Foreman Grade-I was published on 16.03.2020 by merging the panels for promotion as Commercial Inspector and Line Inspector of the year 2007 and the panel for promotion as Line Inspector for the year 2008, which is contrary to the clarifications issued in the Memos dated 05.02.2018, 16.02.2018 and 19.03.2020. Hence, in order to set right the clarification, the 2nd respondent has issued the impugned letter dated 08.09.2020 to revise the promotion panel prepared on 16.03.2020. Thereafter, the third respondent has passed the consequential impugned order dated 29.09.2020 and placed the nine Commercial Inspectors above the petitioners and



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promoted the said nine Commercial Inspectors as Foreman Grade-I notionally with effect from 20.03.2020. Hence, the impugned letter issued by the second respondent and the consequential impugned order passed by the third respondent cannot be interfered with by this Court. However, the respondents are directed to publish the *inter se* seniority between the Commercial Inspector and Line Inspector within a period of 12 weeks from the date of receipt of a copy of this order. Thereafter, liberty is granted to the petitioners to work out their remedies in the manner known to law.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

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