



W.P.(MD).No.22895 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22895 of 2023
and WMP(MD)No.19128 of 2023

K.Selvaraj

... Petitioner

Vs

1. The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO,
Theni.

2. The Executive Engineer,
Distribution TANGEDCO,
Periyakulam,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to promote the petitioner from wireman to Line inspector by including his name in the promotion panel, dated 16.12.2022 on par with his batchmates by considering his representation, dated 09.01.2023 forthwith and pass such further or other orders to disburse all other service benefits as this Court may deem fit and proper in the circumstances of the case.



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For Petitioner : Mr.T.Antony Arulraj

For Respondents : Ms.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the first respondent to promote the petitioner from wireman to Line inspector by including his name in the promotion panel, dated 16.12.2022 on par with his batchmates by considering his representation, dated 09.01.2023 forthwith and pass orders to disburse all other service benefits.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.T.Antony Arulraj, learned counsel appearing for the petitioner and Ms.M.Parameswari, learned Standing Counsel appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was engaged as Contract Labour on temporary basis by the respondent Board in the year 1995. Subsequently, his service was absorbed in to regular service as Field Assistant on 08.06.2009. Presently, he is



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working as Wireman at the office of the second respondent. So far he has reached 28 years of service in the respondent Corporation.

(ii).While so, on 29.11.2016, he was issued with charge memo for having intentionally produced bogus certificate at the time of absorption to the Board. The said charge memo culminated into imposition of punishment, ie., reduction of pay to the minimum time scale of pay for a period of three years with cumulative effect. Challenging the same, the petitioner had filed petition in W.P(MD)No.12490 of 2018 before this Court and this Court vide its order, dated 02.12.2022 set aside the punishment, which impliedly declared that the petitioner is entitled for monetary and other service benefits, which were refused due to punishment imposed.

(iii)Pursuant to the said order, the petitioner made a representation to the first respondent on 09.01.2023 seeking implementation of the order passed by this Court in W.P(MD)No.12490 of 2018 by refixing his scale of pay, revising his seniority, granting promotion, disbursing arrears of salary on the basis of his original seniority. However, his representation was not considered so far.

(iv).In the meanwhile, a panel of promotion for the post of Line Inspector has been published by the respondent on 16.12.2022. Due to the



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punishment imposed on the petitioner, his name was not included in the said promotion panel. Had the order of this Court in W.P(MD)No.12490 of 2018 been implemented, automatically, the petitioner would have considered for the promotion panel drawn for the year 2022. Hence, this writ petition came to be filed.

5.Without going into merits of the case, this Court hereby direct the respondents to consider the representation submitted by the petitioner, dated 09.01.2023 and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks, from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To
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L.VICTORIA GOWRI, J.

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ORDER IN
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