



W.P.(MD)No.7416 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7416 of 2016

and

W.M.P(MD)No. 6239 of 2016

K.B.Kirubakar

... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution
Corporation Limited,
Represented by its Chairman cum Managing Director,
No.144, Anna Salai,
Chennai – 600 002.

2. The Secretary,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, to call for the records pertaining to the impugned order in Memorandum No.49690/F1/F12/2016, dated 17.02.2016 on the file of the Respondent No.1 and quash the same as illegal and



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consequently to direct the Respondent No.1 to extend the panel of Auditors suitable for promotion as Assistant Audit Officer for the year 2014-15 in Division VIII (Accounts) Class-II service of Tamil Nadu Electricity Board service Regulations read with the Tamil Nadu Electricity (RE-organization and Reforms) Transfer Scheme 2010 for a further period until the petitioner at serial No.17 in the panel gets the promotion to the post of Assistant Audit Officer.

For Petitioner : Mr.G.Karthik, for
M/s.Lajapathi Roy and Associates

For Respondents : M/s.M.Parameswari,
Standing Counsel

ORDER

This writ petition is filed to quash the impugned order, dated 17.02.2016 with consequential direction to the respondents to extend the panel of Auditors suitable for promotion as Assistant Audit Officer for the year 2014-2015 in Division VIII (Accounts) Class II service of Tamil Nadu Electricity Board service Regulations read with the Electricity Tamil Nadu Electricity (RE-organization and Reforms) Transfer Scheme 2010 for a further period until the petitioner at serial No.17 in the panel gets the promotion to the post of Assistant Audit Officer.



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2. The contention of the petitioner is that, he was working in the cadre of Auditor in Audit Branch of TANGEDCO at Tirunelveli District. He was waiting for promotion for the post of Assistant Audit Officer and his name was included in the panel of Auditors for the year 2014-2015. The respondents have published another panel of Assistant Audit Officers for promotion to the post of Internal Audit Officers for the year 2014-2015. And out of the seven included in the same, three were promoted already. However, due to an order of interim injunction passed in W.P.No.12018 of 2015 before the Principal Bench, Chennai, by a candidate who was not included in the said panel, due to her one year B.Com. degree which is not valid, the further promotions could not be made to other candidates. The candidate namely, K.Puwaneshwari was sought to be reverted to the post of Auditor, as her qualification of B.Com., degree obtained in one year course was not valid. Aggrieved over the same, the K.Puwaneshwari has filed W.P.No.10261 of 2010 and this Court, vide order, dated 14.09.2010 vacated the interim order due to technical reasons. The said petition was again restored. Then she filed W.P.No.12018 of 2015 challenging the panel of Assistant Audit Officer to the post of Internal Audit Officer and obtained interim order



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injection suppressing about the previous litigation. Because of the same, the respondents have not granted any promotion in the post of Assistant Audit Officer as well as Internal Audit Officer.

3. The further contention of the petitioner is that after interim order granted by this Court was vacated and the petitioner's name was considered only in the year 2017-2018 and granted promotion on 11.04.2017. If there is no interim order, the petitioner would have be promoted in the year 2014-2015, because of the interim order in the case of K.Puwaneshwari the petitioner was not able to get his promotion, which is due from 2014-2015 onwards.

4. Both the petitioner as well as the respondents submitted that the stay obtained by the said K.Puwaneshwari is still in force and the place of K.Puwaneshwari is still kept vacant. Hence the prayer of the petitioner is to keep his original seniority for the panel in the year 2014-2015 shall be kept in abeyance. However, the learned Standing Counsel appearing for the respondents submitted that each year the panel would be lapsed. As on date, the panel has been lapsed. Therefore, the petitioner claim cannot be considered now.



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5. After hearing rival submissions, this Court is of the considered opinion that the panel was drawn in the year 2014-2015, because of the interim order granted by this Court, the petitioner's chance to the promotion was lost. Therefore, until the interim order is vacated, the panel for 2014-2015, as far as the petitioner is concerned shall be kept in abeyance. The said K.Puwaneshwari after she is considered for the post of Internal Audit Officer the same post will be vacant and in that place the petitioner shall be considered. Once writ petition is filed by the K.Puwaneshwari is decided, thereafter, the panel shall be revised. After the said exercise the petitioner's rights shall be determined in the seniority panel, so that the petitioner's seniority is intact so that his future promotion is not affected.

6. With the observations, this Writ Petition is allowed. No Costs.
Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 7416 of 2016**

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