



W.P.No.943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.943 of 2024 and
WMP.Nos.984 to 986 of 2024

Tamilnadu Minsaara Vaariya Gangman Thozhil Sangam,
Rep. By Treasurer,
No.8, Ravannan Kudil,
Hospital Road, Senthil Nagar,
Porur, Chennai 600 116

... Petitioner

Vs.

1.The Chairman cum Managing Director,
TANGEDCO,
Chennai
2.The Chief Engineer/Personnel,
Administrative Branch,
NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for records pertaining to the impugned proceeding No.32194/G.19/G.191/2023-1, dated 12.12.2023 and to quash the same so far as not allowing the union members with adequate qualification to participate in the selection of the said notification, consequently direct the respondents to allow to participate in the selection process.



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For Petitioner : Mr.C.Iyyappa Raj

For Respondents : Mr.K.Rajkumar,
Standing Counsel

ORDER

This writ petition has been filed challenging the notification dated 12.12.2023 issued by the second respondent to fill up vacancies in the post of Technical Assistant/Electrical by internal selection.

2. Heard, the learned counsel appearing on either side.

3. The petitioner Union is a registered Union consisting of 2000 members. The members of the petitioner Union have joined as Gangman in the year 2021 and are working in various division across the State. While being so, the second respondent issued notification dated 12.12.2023 to fill up vacancies to the post of Technical Assistant/Electrical by internal selection. However, the members of the petitioner Union were not allowed to participate in the selection process. According



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to the petitioner, they were appointed as Gangman through direct recruitment by the Tamilnadu Electricity Board and their services were also regularised. The internal selection among the employees by the department and the eligible criteria for the internal selection among the employees stated as diploma, degree and other category of people can be eligible to be appointed in the Technical Assistant post. However, the Gangman has not been eligible to apply for the said post though most of them have possessed adequate qualification such as diploma, degree, etc with wider working experience.

4. The second respondent filed counter and the learned Standing Counsel appearing for the respondents submitted that admittedly the members of the petitioner Union were appointed as Gangman through direct recruitment. They are not eligible for cadre conversion and internal selection irrespective of their qualification. Tamilnadu Electricity Board Service Regulations were framed in exercise of power conferred by Section 79(c) and (k) of the Electricity (Supply) Act, 1948 and are in force. As per Regulation 6(a) of the



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Tamilnadu Electricity Board Service Regulation provides that the Board may evolve its own classification of service, re-arrangement of grades, re-fixation of responsibilities and prescribe a minimum educational, technical and other special qualifications as may be considered suitable for making selections and appointments to the posts in each clause of service. An amendment to the Tamilnadu Electricity Board Service Regulations was issued by the proceedings No.10, (Secretariat Branch) 06.03.2019 thereby amended Annexure-III. Accordingly, candidates appointed as Gangman are not eligible for cadre conversion and internal selection irrespective of their qualification. Accordingly, a new post in the nomenclature of Gangman was created in order to carry out miscellaneous non technical works and the minimum educational qualification has been fixed as the candidate studied upto fifth standard.

5. As per the notification dated 07.03.2019, the eligible candidates were appointed in the post of Gangman by direct recruitment. As per the recruitment notification read with the corrigendum, it was categorically informed to all the candidates that as per Service



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Regulation, the persons appointed as Gangman are not eligible for cadre conversion and internal selection irrespective of their qualification. Accordingly, 9613 eligible candidates have been selected and appointed as Gangman on 22.02.2021. Now invited proposals from the eligible employees for internal selection to fill up the post of Technical Assistant/Electrical. It has been specifically set out that Part Time Conservancy Worker, Watch and Ward, Gangman and those who are not in regular time scale are not eligible to apply for internal selection.

6. Therefore, the petitioner Union have no legal right to challenge the notification. Further clause (i) says, the employees who are drawing the regular time scale of pay alone eligible for internal selection. Admittedly, the members of the petitioner Union were appointed under consolidated salary and their services not regularised under time scale of pay. Therefore, they are not eligible to apply for the vacancies to the post of Technical Assistant/ Electrical by internal selection. Therefore, this writ petition itself is devoid of merits and liable to be dismissed.



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7. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

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