



W.P.No.5479 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.5479 of 2009

P.Sampath

...Petitioner

-Vs-

1. The Chairman,
TamilNadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.

2. The Chief Engineer (Personnel),
TamilNadu Electricity Board,
No.800, Anna Salai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent in Memorandum No.105947/968/G55/G551/2006 dated 18.11.2008 and to quash the same and consequently revise the seniority of the petitioner and grant him all service and monetary benefits.

For Petitioner

: Mr.K.Vellayaraj



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For Respondents

: Mr.R.Nikkhilesh Athav for
Mr.K.Rajkumar
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order of the second respondent in Memorandum No.105947/968/G55/G551/2006 dated 18.11.2008 and to quash the same and consequently revise the seniority of the petitioner and grant him all service and monetary benefits.

2. The petitioner joined in the TamilNadu Electricity Board in the year 1979 as Tester Grade-II with basic Technical qualification of Diploma in Electrical Engineering (D.E.E). The service of the petitioner was regularized by the Board after one year and the same was communicated to the petitioner in the year 1982. The petitioner wanted to pursue higher education, therefore he completed B.E. in Electrical Engineering and he got qualified as an Engineer during May 1984 itself.

2.1. The petitioner represented during the year 1984 for internal



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selection to the post of Assistant Engineer (Electrical). He was selected as Assistant Engineer (Electrical) through internal selection during November 1986, after two years from the date of his representation. The respondents had given posting for about (60+107 candidates) vide CE/P Memo No.565/1(2)/85-104 dated 29.05.1985 and CE/P Memo No.083277-R1/84-19 (Admn.Br) dated 29.06.1985.

3. The learned counsel for the petitioner would submit that as per B.P.Ms.No.635 (Adm), dated 01.02.1985 ratio was modified as 1:1 between internal selection and direct recruitment for the selection of Assistant Engineer (Electrical, Mechanical, Civil). Before the said B.P.Ms.No.635 (Adm) dated 01.02.1985, the petitioner had represented to consider him for the post of Assistant Engineer through internal selection. But the same was not considered.

4. Mr.R.Nikkhilesh Athav, the learned counsel appearing for the



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Respondents would submit that as per Regulation 97(d) of TamilNadu Electricity Board Service Regulations, application for the revision of seniority shall be submitted to the appointing authority within a period of three years from the date of appointment of such service or within a period of three years from the date of order fixing the seniority, as the case may be.

5. Heard, learned counsels appearing on either side and perused the relevant records.

6. The moot question is within a period of three years from the date 29.05.1985 / 29.06.1985, the petitioner had given representation for revision of seniority or not. The impugned order dated 18.11.2008 reads to the effect that as per the representation of the petitioner dated 02.09.2008, it was ordered that the representation was not made for the past three years. The petitioner has stated that he gave a representation in 1984 itself. The impugned order was passed based on the representation submitted by the petitioner dated 02.09.2008. As per regulation 97(d) of TamilNadu Electricity Board Service Regulations, application for the revision of



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seniority shall be submitted to the appointing authority within a period of three years from the date of appointment of such service or within a period of three years from the date of order fixing the seniority. The seniority was fixed as per order in CE/P Memo No.565/1(2)/85-104 dated 29.05.1985 and CE/P Memo No.083277-R1/84-19 (Admn.Br) dated 29.06.1985. The petitioner gave representation after the period of ten years. Therefore, this Court cannot find any perversity in the impugned order passed by the respondents.

7. Based on the aforesaid discussions and submissions, the petitioner has failed to make out the case. Hence, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No order as to costs.

09.07.2024

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
gvn

R.KALAIMATHI, J .
gvn



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To

WEB COPY

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