



W.P.No.1573 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.1573 of 2016

and

W.M.P.Nos.1337 & 1338 of 2016

- 1.C.Nandagopal
- 2.R.Ragu
- 3.D.Mari
- 4.K.Govindan
- 5.M.Sasikumar
- 6.S.Kandan
- 7.C.Kalaivanan

...Petitioners

-Vs-

- 1.The Chairman
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer (Personnel)
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.
- 3.The Chief Engineer
(Distribution South),
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.
- 4.The Superintending Engineer
Tamilnadu Electricity Board,



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CDEC West, Thirumangalam,
Chennai-600 040.

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5.D.Sundarrajan

6.J.K.Ramamurthy

7.A.Mahaboohkhan

8.D.Kumaran

9.I.Baskar

10.D.Suresh

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the fourth respondent impugned order in Memo No.020294-1/SE/CEDC/W/Admo/Adm3/A1/F.FMIGr./15, dated 23.12.2015 and quash the same and consequently direct the respondents 1 to 4 to draw the combined seniority list of the eligible candidates for the post of the Foremen Grade-I from the eligible categories of Line Inspector / Commercial Inspector / Equivalent post and fill up the vacancies in accordance with the said list, and quash the same as illegal.

For Petitioner : Mr.T.N.Sugesh

For Respondents : Mr.David Sundar Singh
[for R.1 to R.4]
: Mr.V.Chandrakanthan
[R.6]
: No appearance [for R.5, R.7 to R.10]



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ORDER

The above Writ Petition is filed to call for the records of the 4th respondent's impugned order in Memo No.020294-1/SE/CEDC/W/Admo/Adm3/A1/F.FMIGr./15, dated 23.12.2015 and quash the same and consequently direct the respondents 1 to 4 to draw the combined seniority list of the eligible candidates for the post of the Foremen Grade-I from the eligible categories of Line Inspector / Commercial Inspector / Equivalent post and fill up the vacancies in accordance with the said list.

2. The petitioners who were working in the category of Helpers had been absorbed as regular Helpers in the RWE Cadre in the time scale of pay of Rs.950 -1500 by order dated 16.10.1996. They were placed on probation for a period of 6 months. Thereafter, they were appointed as regular Helper in time scale with effect from 04.09.1996, 05.09.1996 and 06.09.1996. In the annexure to the order dated 16.10.1996, the petitioners' names were listed at Serial Nos.1,



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2, 4, 5, 8, 35 and 36. The names of respondents 5 to 10 were listed at Serial Nos.11, 13, 14, 25 and 26.

3. In the seniority list subsequently prepared, the petitioners were placed at Serial Nos.204, 205, 207, 210, 212, 214 and 222. However, the 5th respondent was placed at Serial No.202, the 7th respondent at Serial No.215, the 6th and the 8th respondents at Serial Nos.217 and 218 and the 9th and the 10th respondents at Serial Nos.224 and 226.

4. Thereafter, the petitioners were promoted to the post of Line Inspector on 27.06.2008. The Seniority list of persons who were promoted as Line Inspector was issued on 12.08.2013, wherein the petitioners were placed way below the respondents, without assigning any reasons. Aggrieved by the same, the petitioners had made a representation dated 29.12.2015 which was summarily rejected by the 4th respondent stating that they had not objected to the Seniority list dated 13.09.2013 within the time limit. It is



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challenging this order that the petitioners are before this Court.

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5. The 4th respondent has filed a counter interalia contending that by reason of the orders passed in W.P.No.5503 to 5517 persons who were dismissed from the service of the Board due to obtaining employment through fraudulent means had been reinstated into service without back wages and without prejudice for initiation of fresh disciplinary proceedings. Subsequently, the disciplinary proceedings were dropped and unions belonging to these staff had approached the TANGEDCO for re-fixation of their seniority for the period between the date of dismissal and the date of reinstatement and this according to him had caused the re-fixation of seniority.

6. It is his further contention that respondents 5, 8 and 10 had been promoted as Line Inspectors on the basis of their seniority list dated 13.09.2013 and 6, 7 and 9 respondents were promoted to the post of Foremen Gr-1 based on the proceedings of the Chief

Engineer/

Personnel/Chennai

Memo



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No.109355/596/G.46/G.461/2012-4 dated 24.12.2012 and therefore the respondents have not violated the Board Service Regulations.

7. Heard the counsels on either side.

8. The reason given in the impugned order that the petitioners have not objected to the Seniority list dated 13.09.2013 is absolutely without any basis. The minute when the Seniority list dated 13.09.2013 had been brought to the notice of the petitioners, they had objected to the same. Yet another representation had been made on 29.12.2015 before the filing of this Writ Petition. Therefore, the basis on which the representation has been rejected is baseless and indicates the non application of mind on the part of the 4th respondent.

9. In view of the above, the Writ Petition is allowed. The impugned order in Memo No.020294-1/SE/CEDC/W/Admo/Adm3/A1/F.FMIGr./15, dated 23.12.2015 passed by the 4th respondent is quashed. The respondents 1 to 4 are



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directed to prepare a fresh combined Seniority list of the eligible candidates for the post of the Foremen Grade-I from the eligible categories of Line Inspector / Commercial Inspector / Equivalent post and fill up the vacancies in accordance with the said Seniority list after considering the representation filed by the petitioners, following the due process of law and taking into account the extant law and rules. The said exercise shall be completed on or before 22.07.2024. No costs. Consequently, the connected Miscellaneous Petitions are closed.

10. *"For reporting compliance"* post the matter on 22.07.2024.

(shr)

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

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