



W.P.No.26147 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P. No.26147 of 2012

1.P.Palaniappan
2.M.Raju
3.P.Ramalingam
4.A.Arunagiri
5.R.Subramanian
6.A.Thangaraj

... Petitioners

- Vs -

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

2.The Chief Engineer (Personnel),
TNEB Administrative Branch,
No.800, Anna Salai,
Chennai-2.

3.Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Rep.by its Managing Director,
No.144, Anna Salai,
Chennai-600 002.

4.Tamil Nadu Transmission Corporation Ltd.,
(TANTRANSO), Rep. By its Managing Director,
No.144, Anna Salai,
Chennai-600 002.



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5.The Superintending Engineer,
O/o.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Karur Electricity Distribution Circle,
Karur-2.

6.S.Murugesan

7.K.Sivasamy

8.S.Madhanagopal

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records of the impugned orders Memo No.051836/555/G-462/10-6 dated 05.11.2010 in pursuant to Clause 2(iv) of BP(Ch) 256 dated 12.12.2005 of the 1st Respondent herein, Memo No.008377/73/G-46/G-462/2011-4 dated 23.12.2011 of the 2nd Respondent herein and the proceedings of the 5th Respondent in கு.ஆ.எண்.605/நி.பி.01/உ.03/கோ.மாறுதல்/2012 dated 28.08.2012 and quash the same and consequently direct the 5th Respondent herein to promote the petitioners herein to the post of Foreman I Grade by holding the seniority of Helper category for their promotion.

For Petitioners : Mr.G.Purushothaman

For Respondents : Mr.K.Rajkumar
Standing Counsel for TANGEDCO
(for R1 to R5)



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ORDER

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The instant writ petition is filed challenging the order of the 1st Respondent dated 12.12.2005, memo of the 2nd Respondent dated 23.12.2011 and the proceedings of the 5th Respondent dated 28.08.2012 and to direct the 5th Respondent herein to promote the petitioners to the post of Foreman I Grade by taking the seniority in the cadre of Helper for their promotion.

2. The learned counsel for the petitioners would vehemently contend that the instant writ petition was necessitated, since the promotion was given to the Respondents 6 to 8 illegally by overlooking the seniority of the petitioners. It is the specific contention of the learned counsel for the petitioners that for the post of Foremen Grade-I, there are two different feeder category. One cadre is Commercial Assistant, and another one is Wireman. It is the submission of the learned counsel for the petitioner that, according to the settlement dated 12.12.2005 the promotion to the Foreman Grade-I was based on their seniority in the cadre of Helper. Whereas the official respondents have changed the seniority based upon the date of joining in the post of next level post viz., Commercial Assistant and Wireman which has common feeder category namely Helper and that, such



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seniority list is contrary to the settlement dated 12.12.2005. Hence, prayed to interfere with the order in respect of Respondents 6 to 8.

3.The learned counsel for the official Respondents would submit that they are in full agreement with the submission of the learned counsel for the petitioners about the procedure for fixation of seniority, and they would submit that they had taken the seniority of Helper while preparing panel for the post of Foreman Grade-I. However, it is the submission of the learned counsel for the Respondents that for a person to be promoted to the post of Foreman Grade-I they must complete a minimum period of 5 years in the feeder category, whereas these petitioners did not complete the mandatory requirement of minimum service of 5 years. Therefore contended that they are not eligible for promotion.

4.The learned counsel for the Respondents have also relied upon the memo dated 05.02.2018. The relevant portions of the memo is extracted below:

“4. The crux of the orders issued in the references first and second cited above which were issued pursuant to the common order dated 08.06.2017 in W.P.No.12818 of 2012 and etc. batch, is that the eligibility criteria of experience of five years for each channel, namely, Commercial



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Inspector and Line Inspector from the respective feeder category of Commercial Assistant and Wireman shall be followed until further orders and that such experience of five years prescribed shall be in the type of work concerned (not in the post of CA or WM alone)”

5. On perusal of the above memo, it is clear that for a person to be considered for the post of Foremen Grade-I, he must complete 5 years of service in his feeder category namely Commercial Inspector or Wireman. Whereas in this case the petitioners does not have such eligibility on the crucial date. It is relevant to refer that the promotion cannot be claimed as a fundamental right however they can claim their right to be considered for promotion as a matter of right.

6. In this case, these petitioners are not even eligible to be considered for promotion. Therefore, I find no merit in this writ petition. Hence, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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C.KUMARAPPAN, J.

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