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W.P.No.5312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

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

W.P.No.5312 of 2024

P.Selvaraj

...Petitioner

-Vs-

1. The Chairman,
The Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take immediate action in appointing the petitioner as the JE/Mech II-Grade and giving the salary benefits on par with the Junior Engineer/Mech II-Grade by considering the petitioner's representation dated 20.02.2024.

For Petitioner : Mr.Deepan Uday

For Respondents : Mr.K.Rajkumar
Standing Counsel



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ORDER

This writ petition has been filed for direction directing the respondents to take immediate action in appointing the petitioner as the JE/Mech II-Grade and giving the salary benefits on par with the Junior Engineer/Mech II-Grade by considering the petitioner's representation dated 20.02.2024.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is working as Special Grade Foreman. He had joined as Fitter Grade III in the first batch of Tamil Nadu Electricity Board on merit basis in the respondents Board. In the year 2004, his junior filed a writ petition in W.P.No.23202 of 2004 and by an order dated 21.07.2009, it was held that he is eligible to be posted as Junior Engineer Mechanical Grade II. Accordingly, he was promoted to the said post. Pursuant to the said promotion, some other juniors also filed writ petition before this Court and they were also considered and promoted to the said post. Thereafter, one Suresh and 8 others filed writ petition before this Court to follow 3:1 ratio in promotion to the post of Junior Engineer Mechanical Grade III. Accordingly, 31 non diploma holders got promotion and by 3:1 rule, 93 Diploma holders has to be promoted as Junior



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Engineer Mechanical Grade II. However, the case of the petitioner was not considered and as such, he submitted a representation.

4. The learned counsel for the petitioner submitted that this Court, by an order dated 20.11.2012 in W.P.No.20481 of 2012, filed by one Suresh and 8 others, held that in the light of the seniority list being finalized in respect of all Junior Engineer Mechanical Grade II, the claim made by the petitioner in the writ petition that earlier promotions given to the contesting respondents should be recalled does not stand to reason. Therefore, the writ petition was dismissed with liberty to the TANGEDCO to finalize the seniority list from the year 2002 and after publishing some adopting due procedure and to strictly follow the ratio for selection on the basis of 3:1. He further submitted that depends upon the vacancy the said post can be filled up as per ratio 3:1.

5. It is seen that now, the petitioner got retired. Therefore, the representation submitted by the petitioner cannot be considered and this writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. There shall be no order as



to costs.

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Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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