



W.P.No.771 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.No.771 of 2018
and
WMP.No.938 of 2018

K.Sakthivelmurugan

...
Vs

Petitioner

- 1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO), 144, Anna Salai,
Chennai – 2.
- 2.The Chief Engineer Personnel,
TANGEDCO, 144, Anna Salai,
Chennai – 2.
- 3.The Superintending Engineer,
Namakal Electricity distribution Circle, (NEDC),
TANGEDCO, Namakkal.
- 4.Assistant Engineer, (O&M)
Velagoundanpatti, TANGEDCO, NEDC
Velagoundanpatti, Thiruchencode.
- 5.Bhaarathiya Electricity Employees Federation,
(Reg.990slm), (Affiliated with BMS in TN 100),
Rep.by its General Secretary, R.Muralikrishnan,
177, 5th Main Raod, Sri Iyyappa Nagar,
Virugambakkam Post, Chennai – 92. ...

Respondents



W.P.No.771 of 2018

PRAYER: The writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the 3rd respondent to prepare a common seniority list in post of helper both from the persons from date of regularization as mazdoor trainee for regularized category and direct recruit for considering the feeder category experience within the time fixed by this Honourable Court and consequently restrain him from finalizing the promotion list for the post of wireman from helper.

For Petitioner ... Mr.B.Manoharan

For Respondent ... Mr.K.Purushothaman
Nos.1 to 4 Standing Counsel

Respondent No.5 ... No appearance

ORDER

The writ petition has been filed to direct the 3rd respondent to prepare a common seniority list in the post of Helper both from the persons from date of regularization as mazdoor trainee for regularized category and direct recruit for considering the feeder category experience within the time fixed by this Honourable Court and consequently restrain him from finalizing the promotion list for the post of wireman from helper.

2.The case of the petitioner is that the petitioner joined in the



W.P.No.771 of 2018

WEB COPY

respondent Board as contract labour and his service was regularized as Mazdoor Trainee in RWE, Class – IV Service vide proceedings dated 20.11.2012 pursuant to the Board proceedings in B.P.No.22 dated 25.10.2012 along with several employees. Subsequently, he was appointed as Helper vide proceedings dated 14.09.2016. According to the petitioner, the cadre of Mazdoor and Helper are equal cadre as per settlement entered between Union and Board.

2.1.The petitioner's promotion for the post of Wireman was due for quite some time and hence, he approached the third respondent through proper channel in March, 2017. By communication dated 20.05.2017, the second respondent informed him that in view of the pendency of a Writ Petition No.20504 of 2016 on the file of the Madras High Court, it is kept pending and will be considered after necessary direction from the second respondent. After disposal of the writ petition, the second respondent vide proceedings dated 27.12.2017 directed the concerned officials to give promotion to all RWE categories shall be considered as per the existing guidelines excluding Commercial Inspector and Line Inspector, but the third respondent, without finalizing any



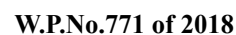
W.P.No.771 of 2018

WEB COPY

seniority list, based on old seniority list trying to shortlist promotion for Wireman in contra to his assurance given in his letter dated 20.05.2017.

2.2. Further, the case of the petitioner is that he is having 5 years of regular service as Mazdoor in the Board from 20.11.2012. The Mazdoor and Helper are equal cadre as per the TNEB board regulations and as per the settlement. But without taking into consideration of the same that the date of joining of the petitioner is as early as on 20.11.2012, his name is not considered for the post of Wireman and juniors to the petitioner, who joined as Helper having educational qualification of ITI recruited directly as Helper were given promotion to Wireman contrary to the regulations of TNEB service regulations and the directions of this Court. Thereafter, the petitioner made another request to the third respondent through proper channel on 04.01.2018, but there was no response from the respondent Nos.1 to 4.

3.The grievance of the petitioner is that if any promotion is made



4.In the counter affidavit filed on behalf of the respondent Nos.1 to

4, it is averred that the promotion to the post of Wireman / Commercial Assistant was stalled due to pendency of the batch of writ petitions with regard to the promotion to the post of Foreman (I) Grade. It is also averred in the counter affidavit that the Helper Seniority list was published by the third respondent vide memo dated 26.12.2016. The seniority list was prepared by considering the completion of two years of service in the post of Field Assistant (Helper) for the next promotion to the post of Wireman/Commercial Assistant. It is further averred that the petitioner joined the post of Helper on 14.09.2016 and on completion of two years of service, the petitioner will be eligible for the next promotion as Wireman/Commercial Assistant and the future vacancies will be filled based on the seniority. It is further stated in the counter affidavit that as per the regulation, the petitioner has to complete two years of service in



W.P.No.771 of 2018

the post of Field Assistant (Helper) and his two years of service is getting completed only on 13.09.2018 subject to his attendance. Hence his name was not included in the seniority list of the year 2016. As the petitioner will not be eligible to get his name included in the seniority list for promotion as he had not completed two years of service in the post of Field Assistant, he is not entitled to seek relief in the writ petition.

5. In spite of service of notice to the respondent No.5, there is no representation either in person or through an Advocate.

6. The learned counsel appearing for the petitioner and the learned counsel appearing for the respondent Nos.1 to 4, who advanced their arguments basing on the averments made in the affidavit and counter affidavit and perused the materials available on record.

7. The only issue to be considered in the writ petition is whether the service rendered by the petitioner as Mazdoor with effect from



W.P.No.771 of 2018

WEB COPY

20.11.2012 has to be included for the service rendered as Helper and to include his name in the seniority list of Wireman/Commercial Assistant or not.

8. According to the petitioner, as per the TNEB Board regulations and as per the settlement entered between the Union and Board, the cadre of Mazdoor and Helper are equal cadre and as such, his service has to be considered with effect from 20.11.2012 while preparing the seniority list, his next promotion as Wireman / Commercial Assistant. But it is the case of the respondent Nos.1 to 4 that as per the regulations, the petitioner has to complete two years of service in the post of Field Assistant (Helper). As the petitioner did not complete two years of service as Helper, his name is not included in the seniority list of promotion.

9. During the course of hearing, the learned Standing Counsel appearing for the respondent Nos.1 to 4 has placed proceedings No.21 dated 03.09.2016 of the first respondent.

10. On perusal of the same, it appears that the post of Mazdoor and



W.P.No.771 of 2018

WEB COPY

the post of Helper (Field Assistant) are not one and the same. As per this proceedings, Mazdoor will be promoted as Helper (Field Assistant). As such, there is force in the contention of the respondents that on completion of two years of service as Helper only, the petitioner will be eligible for next promotion as Wireman/Commercial Assistant. Admittedly in the present case, the petitioner did not complete two years of qualifying service in the cadre of Field Assistant (Helper) as such, he is not entitled for the relief sought for in this writ petition.

11. Accordingly, this writ petition is dismissed.

12. No costs.

13. Consequently, the connected miscellaneous petition is closed.

Internet: Yes/No
Index: Yes/No
sms

27.11.2024

To

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,



W.P.No.771 of 2018

(TANGEDCO), 144, Anna Salai,
Chennai – 2.

- 2.The Chief Engineer Personnel,
TANGEDCO, 144, Anna Salai,
Chennai – 2.
- 3.The Superintending Engineer,
Namakal Electricity distribution Circle, (NEDC),
TANGEDCO, Namakkal.
- 4.Assistant Engineer, (O&M)
Velagoundanpatti, TANGEDCO, NEDC
Velagoundanpatti, Thiruchencode.
- 5.Bhaarathiya Electricity Employees Federation,
(Reg.990slm), (Affiliated with BMS in TN 100),
Rep.by its General Secretary, R.Muralikrishnan,
177, 5th Main Raod, Sri Iyyappa Nagar,
Virugambakkam Post, Chennai – 92

BATTU DEVANAND,J.

sms



WEB COPY



W.P.No.771 of 2018

W.P.No.771 of 2018
and
WMP.No.938 of 2018

27.11.2024