



WEB COPY



W.P.No.6651 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.6651 of 2020

and

W.M.P.Nos.7883 to 7885 of 2020

- 1 A.K.Suresh
- 2 M. Udhaya
- 3 Dr. S. Ezhilarasan
- 4 M.Banu Sundareswari
- 5 R. Sarojini
- 6 Dr.P.Pounraj

...Petitioners

Vs.

1.The State of Tamil Nadu
represented by its Secretary to the Government of Tamil Nadu,
Department of Energy,
Secretariat,
Fort Gt. George,
Chennai - 600 009.

2.The Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), Secretariat Branch represented
by its Secretary,
Secretariat,
Chennai – 9.

3.The Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO) represented by its Chairman cum Managing Director,
144, NPKKR Maligai,
Anna Salai.
Chennai – 2.



W.P.No.6651 of 2020

4.The Chief Engineer / Personnel,
The Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
144, NPKKR Maligai,

Anna Salai,Chennai -2.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceeding (PER) FB TANGEDCO Proceedings No.2 dated 15.2.2020 issued by the 2nd respondent, amending the Regulations 91(2)(d) of the TNEB Service Regulations by inserting a proviso after Sub-clause (ii) and the impugned direct recruitment Notification 04/2020, dated 15.2.2020 issued by the 4th respondent to the post of Assistant Engineer/Electrical Civil and Mechanical appointment as far as the upper age limit is concerned and quash the same and consequently, direct the respondents to continue with the Regulations 91(2)(d) of the TNEB Service Regulations as prior to amendment.

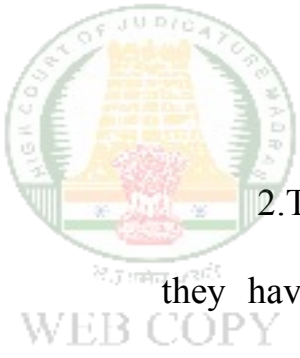
For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader
for R1

Mr.C.Manoharan (TNEB)
for R2 to R4

ORDER

The instant Writ Petition has been filed challenging the Notification of the respondents dated 15.2.2020.



2.The learned counsel appearing for the petitioners would submit that, they have obtained Ph.D., and other higher qualifications with legitimate expectations that they would be considered for the promotional posts. He would submit that the petitioners belong to marginalized community and that according to the proceedings of the respondents, there were no age limit for the SC/ST and BC candidates. However, in the impugned Notification, upper age limit has been provided which affects the legitimate expectation of the petitioners.

3.However, the learned counsel would fairly submit that the vires of the Notification has already been tested before the Division Bench of this Court in W.P.No.6689 of 2020, dated 16.03.2020, in the case of A.Mubarak v. Tamil Nadu Generation and Distribution Corporation Limited rep. by its Chairman, 10th Floor, NPKRR Maaligai, 144, Anna Salai, Chennai and two others, wherein the Division Bench has held as follows:

“...10.A perusal of the said decision would clearly indicate the rationality and reasoning which stands reflected in the consideration made by the Board to take such a decision. We have not been able to gather any arbitrariness or irrationality in the decision of the Board in arriving at a conclusion on the basis of whatever has been deliberated upon. In the absence of any perversity in the said reasonings, we cannot sit in appeal over the decision taken that has resolved not to relax the upper age limit prescription against the said two posts.



W.P.No.6651 of 2020

11. We, therefore, find that the same is neither arbitrary nor manifestly arbitrary or even otherwise, unreasonable so as to strike it down on the ground of impinging Article 14 of Constitution of India.

12. The question of vested right, as raised by the learned counsel for the petitioner, does not appeal to reason inasmuch as, we have not been able to locate any vested right with the petitioner that may have accrued otherwise also so as to raise a challenge to the impugned amendment.

13. Consequently, for all the aforesaid reasons, we do not find any reason to entertain the Writ Petition on the ground of so raised. The petition lacks merits and accordingly, the same is dismissed. No costs.”

4. Besides, the issue is also squarely covered by the Judgment of the Hon'ble Supreme Court in Special Leave to Appeal (C) No.13817/2020 dated 27.11.2020. In this view of the matter, nothing survives for adjudication in this matter.

In the result, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

18.10.2024

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
mps



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C. KUMARAPPAN, J.

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