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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9033 of 2012
and
M.P.No. 3 of 2012

K. Panneerselvam ...Petitioner

Vs

1. The Chairman,
   Tamil Nadu Electricity Board,
   No. 144, Anna Salai, Chennai – 600 002.

2. The Chief Engineer, Personnel,
   Tamil Nadu Electricity Generation and Distribution Coporation,
   (previously Known as Tamilnadu Electricity Board)
   No. 144, Anna Salai, Chennai – 600 002.

3. The Superintending Engineer,
   Namakkal Electricity Distribution Circle,
   Tamil Nadu Electricity Generation and Distribution Coporation,
   (previously Known as Tamilnadu Electricity Board)
   Namakkal. ...Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third Respondent relating to

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KU.Aa.No.00948/Ni.Pi.2/Vu.4/2007 dated 18.06.2007 and quash the same as illegal, arbitrary in so far as the Petitioner is concerned and to direct the respondents 1 to 3 to promote the petitioner to the post of Commercial Inspector by duly fixing his seniority in the said post by considering his representation dated 09.09.2011.

For Petitioner : Mr.G. Ananda Kumar

For R1 to R3 : Mr.K.Purushothaman

O R D E R

This writ petition is filed seeking for issuance of Certiorarified Mandamus to quash the proceedings in KU.Aa.No.00948/Ni.Pi.2/Vu.4/2007, dated 18.06.2007 issued by the third respondent and to direct the respondents 1 to 3 to promote the petitioner to the post of Commercial Inspector by duly fixing his seniority in the said post by considering his representation dated 09.09.2011.

2. The case of the petitioner is that he was appointed as Helper on 27.01.1995 as per Justice Khalid Commission report and his seniority No is 258. Subsequently, the petitioner was promoted as Commercial Assistant in the year 2001. The next avenue of promotion is commercial Inspector. During

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the year 2005, the Board has issued a B.P. Vide B.P.(Ch) No 256 (Adm.Br) dated 12.12.2005 for revision of work allocation and staff pattern and revision of wages under 12(3) settlement of I.D.Act and discontinuing single channel for promotion and reintroducing separate channel for promotion for R.W.E.categories in distribution circles.

3. By challenging the said B.P. several Writ petitions W.P.Nos 17026/06 & W.P.No 7321/ 07 were filed before this Court by the unions and individuals. On 09.02.2009, this Court has disposed of the same and held that "The petitioners have established and proved before us that the clause iv of the impugned B.P.(Ch) No 256 (Admn.Br.,) dated 12.12.2005 extracted above is working much against their interest. The following dictum laid down by the Apex court in the above Judgment, instead of quashing the impugned B.P.(Ch) No.256 (Admn.Br.,) dated 12.12.2005, ordered that the impugned promotion system should not be given effect to until the list of the petitioners exhausted".

4. The learned counsel appearing for the petitioner would submits that as per the above said B.P., the Board has opted for double channel and it has taken the option to the channel of Line Inspector. This Court has clearly stated

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that the impugned promotion system should not be given effect to till the list of petitioners exhausted. Therefore the option for double channel of Line Inspector taken by the Board is null and void and consequently the channel for the petitioner has to be continued in the same channel in commercial Inspector Post.

5. It is submitted by the learned counsel appearing for the petitioner that the petitioner made representation along with 9 others to the Board in the year 2007 seeking to permit them to continue in the same Commercial Inspector Channel instead of Line Inspector Channel which has been taken by the Board as an option. The said request was rejected by an order dated 18.06.2007 by the third respondent. All the Juniors below to the petitioner have been promoted to the post of Commercial Inspector. On enquiry about the promotion of the petitioner, the petitioner came to know that One R.Varadarajan (Junior to the petitioner) whose request was rejected along with the petitioner by an order dated 18.06.07, was promoted to the post of Commercial Inspector vide Memo No. 097 Adm.II/A.1 /F.C/2008, dated 29.12.2008. The seniority number of the said Varadarajan in the seniority list is Sl.No 514, whereas the petitioner's

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Sl.No is 258. Hence, the petitioner made representation on 27.01.2010 to the third respondent requesting to promote him to the post of Commercial Inspector as per the memo dated 29.12.2008 and same has not yet been considered till date.

6. The learned counsel appearing for the petitioner further submitted that this Court has held in W.P.No. 17026 of 2006 & W.P.No 7321 of 2007 dated 09.02.2009 that the impugned promotion system should not be given effect to until the list of the petitioners exhausted. Thereafter no promotion order has been issued to the post of Commercial Inspector. Therefore, the petitioener made a representation dated 09.09.2011 to the respondents herein requesting to promote him to the post of Commercial Inspector as per the memo dated 29.12.2008 of the third respondent. But the said representation is still pending before the respondents.

7. The counter affdiavit is also filed by the respondents on 20.12.2023.

8. Heard both sides and perused the materials available on record.

9. In the case on hand, the learned counsel for the petitioner submitted that the petitioner has already given a representation dated 09.09.2011 to the

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respondents and no orders have been passed till date. The second respondent is directed to consider the above representation dated 09.09.2011 in light of the order passed by the Hon'ble Division Bench of this Court in W.P.No. 17026 of 2006 & W.P.No 7321 of 2007 dated 09.02.2009 within a period of six weeks from the date of receipt of a copy of this order.

10. This writ petition is disposed of with above direction. No costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

Index:Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
nsl

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