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Writ Appeal No.1700 & 722 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.06.2024

PRONOUNCED ON : 25.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal Nos.1700 & 722 of 2022 &
CMP.Nos.5022, 5023, 11897 & 11898 of 2022**

K.Sheik Abdull ... Appellant in W.A.No.722 of 2022

P.Muthukumar ... Appellant in W.A.No.1700 of 2022

Vs

1.Tamil Nadu Generation and Distribution
Corporation Ltd.,
Rep., by its Chairman,
No.144, Anna Salai, Chennai – 600 002.

2.Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution,
Corporation Ltd.,
No.144, Anna Salai, Chennai – 600 002.

... 1st & 2nd Respondents in both W.As.,

3.C.Arunachalam
4.S.Jayaprakash
5.Ananthan
6.G.Sakthivel
7.R.Janarthanan
8.M.Mahendiran



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- 9.S.Manikandan
- 10.S.Senthilkumar
- 11.G.Kumar
- 12.S.Prabu
- 13.P.Venkatesan
- 14.Chakkaravarthi
- 15.K.Senthilkumar
- 16.K.Nandhakumar
- 17.N.Ilayaraja
- 18.D.Saravanan
- 19.G.Sankar
- 20.K.Narasimman
- 21.M.Vasanthakumar
- 22.M.Ayyadurai
- 23.R.Janarthan
- 24.S.Karuppasamy
- 25.G.Anantharaj
- 26.R.Rengayakumar
- 27.S.Arulkumaran
- 28.R.Prakasam
- 29.A.Manikandan
- 30.D.Jayamurugan
- 31.P.Sathiya
- 32.S.Mythili
- 33.K.Mohanasundaram
- 34.D.Baskaran
- 35.S.Venkateshwari
- 36.D.Balakrishnan
- 37.T.Pushpa
- 38.Selvi
- 39.M.Swaminathan
- 40.S.Suresh
- 41.B.Paneerselvam
- 42.S.Uthamaseelan
- 43.R.Jakkayan
- 44.A.Karuppaiyan
- 45.V.Saravanan



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- 46.T.Marimuthu
- 47.C.Balamurugan
- 48.P.Anbarasan
- 49.S.Sidharasu
- 50.S.Govindan
- 51.G.Vijikumar
- 52.S.Govindaraj
- 53.S.Karuppasamy
- 54.G.Anantharaj
- 55.Rengayakumar
- 56.S.Arulkumaran
- 57.K.Praksam
- 58.P.Ramasamy
- 59.V.Sankar
- 60.J.Kalaiselvan
- 61.Sakthivel
- 62.L.Sundaramoorthy
- 63.T.Velautham
- 64.M.Vivekanandan
- 65.C.Madhayan
- 66.P.Rasaputhiran
- 67.S.Nadaraj
- 68.J.Arivalagan
- 69.S.Sureshsankar
- 70.B.Elanchezhian
- 71.S.Agastin
- 72.Illiyaraja
- 73.J.Sivanandam
- 74.G.Muthusamy
- 75.K.Senthil
- 76.K.Velmurugan
- 77.G.Rajesh
- 78.R.Mutharasu
- 79.G.Ramesh
- 80.Kanagaraj

... Respondents in W.A.No.722 of 2022

3.N.Raja



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- 4.R.V.Manogaran
- 5.V.Karnesh
- 6.M.Kamalakaran
- 7.T.Murali
- 8.R.Kathiravan
- 9.G.Sathiesh Kumar
- 10.V.Lakshmanan
- 11.A.Sathiyagu Ponnudurai
- 12.M.Saravanan
- 13.T.Velmurugan
- 14.S.Illayaraja
- 15.S.Thirumaran
- 16.P.Anantharajan
- 17.R.Muthuraja
- 18.P.Sathiyar
- 19.S.Aarumugam
- 20.R.Kausalya
- 21.G.Lakshmanan
- 22.V.Murugan
- 23.A.Manikkavelu
- 24.M.Bhaskar
- 25.S.Sivakkumar
- 26.M.Rageswaran

... Respondents in W.A.No.1700 of 2022

PRAYERS: Writ Appeals have been filed under Clause 15 of Letter Patent against the order dated 05.01.2022 made in W.P.Nos.10954 & 17859 of 2016.

For Appellants : Mr.K.M.Ramesh Sr., Counsel for
for Mr.V.Subramani in both W.As.,

For Respondent : Mr.K.Rajkumar Standing counsel for
TANGEDCO for RR1 & 2

Mr.R.Selvakumar for RR77 to 80



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Mr.P.M.Jayachandran for RR 63 & 66
and for RR14,15 & 73 (Vakalat Returned)

No Appearance for RR3,4,6to10, 13 to 17,
19 to 26, 28, 31, 32, 34, 36, 40, 41, 43, 45 to
49, 52 to 59, 61, 65, 68 to 72, 76 to 80

RR11, 33, 60 – Died

Not Ready Notice Reg., RR12, 18, 27, 29,
30, 35, 37, 38, 39, 42, 44, 50, 51, 62, 64, 67,
74 & 75

COMMON JUDGMENT

(Judgment of the Court was made by Mr.K.KUMARESH BABU., J)

These Intra-Court Appeals have been preferred by the unsuccessful Writ Petitioners, whose claim for age relaxation has been negated by the learned Single Judge.

2.Heard Mr.K.M.Ramesh learned Senior Counsel for Mr.V.Subramani learned counsel appearing for the appellants, Mr.K.Rajkumar learned Standing counsel appearing for TANGEDCO, and Mr.P.M.Jayachandran, learned counsel appearing for the 63rd and 66th respondents.



3. The appellants in both the Writ Appeals had applied to the post of Field Assistant Trainee, pursuant to the notification dated 28.02.2016, issued by the respondents. It is their case that they had been successful in competitive examination, but however, because of the upper age limit fixed under the notification, which they have crossed, they have been denied the appointment. In a similar case, a Division Bench of this Court had granted age relaxation to the similarly placed persons like that of the appellants and what the appellants had sought, was only extension of the benefit by the Division Bench also to the appellants. However, the learned Single Judge had held that the said judgment would only be applicable to the said case and the same cannot be a precedent to be followed. Had the same benefit been extended to the appellants, the appellants would be entitled to be appointed to the said post. It is their contention that the notification itself prescribes that there will be no upper age limit, if the candidates possess the higher qualification. It is the contention that when such being the position, age cannot be a criteria, which can be put up against the appellants and therefore, they would submit that there was an error apparent on the part of the learned Single Judge in failing to follow the Division Bench judgment of this Court, which has also been affirmed by the Hon'ble Apex Court in not

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entertaining the SLP filed by the respondents against the same. Therefore, he would seek interference of the order passed by the learned Single Judge.

4. Countering his arguments, the learned Standing counsel appearing for the official respondents would submit that the notification had specifically prescribed a particular age limit in respect of certain categories of candidates. A concession had been given to persons who possess the higher qualification. Admittedly the appellants do not possess the higher qualification and they only possess the basic qualification. He would vehemently contend that the appellants have crossed the upper age limit fixed against the categories and therefore, they would not be entitled for appointment to the said post. The learned Standing counsel would further submit that the notifications have been issued pursuant to the Recruitment Rules and the appellants have not challenged the said Recruitment Rules, which prescribes the age limit. In that context, he would submit that there is no error apparent on the order impugned in these appeals which requires interference by this Court.



5.We have heard the rival submissions made by the learned counsel appearing on either side and perused the materials placed on record.

6.It is an admitted case that a notification had been issued by the respondent fixing the upper age limit in respect of certain categories of posts. Admittedly, the appellants are over aged and would not be entitled to be considered for appointment. As rightly pointed out by the learned Standing counsel appearing for the official respondents, a notification was issued in consonance with the Recruitment Rules of the Department. While that being so, as rightly pointed out by the learned Standing counsel, without modifying or amending the Recruitment Rules, the notification would also not be modified. The appellants have not challenged the Recruitment Rules relating to the prescription of upper age limit. Further a perusal of the Division Bench judgment relied upon by the learned counsel appearing for the appellant would indicate that the same have been made on a peculiar facts and circumstances of the case and had left open the issue to be agitated by the Department in an appropriate case. Therefore, the same cannot be treated as a precedent to be followed by this Court. The learned Single Judge was right in not relying upon the judgment to give the said benefit to



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the appellants. Even assuming that the case of the appellants deserves consideration, it is to be noted that if such age relaxation is given, it will not only entitle, the appellants to be eligible for being considered for appointment it will also open an avenue for many people who would not have applied in view of the upper age limit. In the present case much water had flown and the proceedings all have culminated to grant of appointment to the successful candidates. At this stage, we do not propose to entertain the claim of the appellants, apart from the aforesaid reasons recorded by us above.

7.In fine, these Writ Appeals fail and the same are accordingly dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

(D.K.K.,J.)

(K.B., J.)

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Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation:Yes/No

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To

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2. Chief Engineer (Personnel),
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