



W.P.No.4155 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2024

CORAM:

THE HONOURABLE JUSTICE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.4155 of 2015

S.Arumugam

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-2.

2. The chief Engineer (Personnel),
Tamilnadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-2.

3. The Superintending Engineer P&A,
Ennore Thermal Power Station,
Ennore, Chennai-87.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the 2nd respondent to consider to pass order on the representation of the petitioner dated 26.12.2013 with regard to promotion of the petitioner as Junior Engineer/ Mechanical Grade



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II in the panel vide Memo No.070394/794/G15/G151/03-1 dated 03.07.2003 and fixing the seniority of the petitioner in the appropriate place in the revision of seniority vide letter No.075008/794/G.552/2012 dated 12.06.2013 and consequential tentative list of the 2nd respondent in memo No.057043/706/G.151/13 dated 28.04.2013/2014.

For Petitioner : M/s.ARL.Gandhimathi
Senior Advocate
for M/s.A.Ramkumar

For Respondents : Mr.David Sundar Singh
Standing Counsel for TNEB

ORDER

This Writ Petition is filed seeking for mandamus directing the second respondent to consider and pass orders based on the representation of the petitioner dated 26.12.2013 with regard to the promotion of petitioner as Junior Engineer/ Mechanical Grade II.

2. It is submitted by the learned counsel for the petitioner that originally petitioner was appointed as Helper on 20.10.1982 on compassionate grounds and on 19.04.1985, he was promoted as Assistant Operator at Periyar Power House. On 03.09.1993, petitioner was promoted as



Switch Board Attendant and on 31.03.1998 as Mechanic First Grade. After a lapse of 9 years, petitioner was promoted as Foreman First Grade and on 09.09.2009, as Junior Engineer/ Mechanical, Grade II.

3. It is submitted the promotion to the Junior Engineer/ Mechanical Grade II in division (9) categories 7 is by promotion of Junior Engineer/Mechanical Grade II in the ratio of 3:1. It is submitted that similarly placed persons to that of petitioner have approached this Court and filed Writ Petition No.20481 of 2012 for considering them for promotion basing on the above said rules, wherein, this Court had passed the following order:

“12. Therefore, in the light of the seniority list being finalized in respect of all Junior Engineer (Mechanical) Grade II, promotions given to the contesting respondents should be recalled does not stand to reason. Hence, there is no merit in the Writ Petition. In the light of the same, both the Writ Petition and the contempt petitioner will stand dismissed with liberty to the TANGEDCO to finalize the seniority list of Junior Engineer (Mechanical), Grade II right from the year 2002 and after publishing the same, adopting due procedure and to strictly follow the ratio for selection on the basis of 3:1. This exercise shall be carried out within a period of six months. If they find any of the



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quota meant for either diploma holder or non diploma holder, in the future vacancies, the shortfall should be filled up after adopting due procedure and in the manner known to law.....”

Basing on the directions of this Court, seniority list was revised by the respondent as per Letter No.075008/794/G55/G0552.2012, dated 12.06.2013.

4. However the petitioner seniority has not been fixed as per the directions of this Court in W.P.No.20481 of 2012 and representation was made by the petitioner to the second respondent on 17.10.2007 and the same was not attended. Since,there is no response, the petitioner has preferred the Writ Petition.

5. Respondent department has filed counter affidavit stating that grounds raised by the petitioner are not tenable as the petitioner has not reached the zone of consideration in the year 2003 to 2006 and also in the year 2009, the petitioner was not eligible to be appointed as Junior Engineer/ Mechanical/ Grade II on the ratio of 3:1.

6. Heard both sides and perused the records.



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WEB COPY 7. Keeping aside the aspect as to whether the petitioner has reached the zone of consideration and thereby his name can be included in the list as desired, respondent should have been disposed of the representation of the petitioner dated 26.12.2013 by giving suitable explanation. Even after filing of this Writ Petition, the said representation was not been disposed of.

8. In view of the submissions made by the learned counsel appearing of either side and the grounds raised by the petitioner in the affidavit and on considering the counter affidavit filed by the respondent, this Writ Petition is disposed of directing the second respondent to dispose of the representation of the petitioner dated 26.12.2013 as quickly as possible within a period of four weeks from the date of receipt of copy of this order. No costs.

02.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Dr.D. NAGARJUN, J.

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To

WEB CUM

1. The Chairman cum Managing Director,
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