



W.P.No.9931 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.9931 of 2015

and

M.P.No.2 of 2015

1. R.Anthonysamy
2. G.Selvam
3. M.Prakash
4. J.Ravi
5. M.Kuppusamy
6. S.Subramanian
7. G.Dhandapani
8. T.Natarajan
9. R.Munusamy
10. R.Ramakrishnan
11. G.Kannan
12. B.Venkatramanan
13. N.Chelladurai
14. N.Sivakumar
15. V.Ramamoorthy

... Petitioners

-VS-

1.The Chief Engineer/Personnel,
TANGEDCO, 800, Anna Salai,
Chennai.



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2.The Chief Engineer,
Distribution, TANGEDCO,
Villupuram.

3.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
TANGEDCO, Villupuram.

4.The Chairman,
Cum Managing Director,
T.N.E.B Ltd, 800, Anna Salai,
Chennai.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to implement the order of the proceedings in Letter No.072421/318/G46/G461/2006-4 dated 28.11.2006 to include the names of the petitioners in the panel for promotion of Commercial Inspector/Line Inspector for the year 1999-2000, instead of 01.09.2023 taken with consequential benefits.

For petitioners : Mr.S.Sathya Kumar,
for Mrs.V.Srimathi

For respondents : Mr.P.Subramaniam



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ORDER

The above writ petition has been filed for a mandamus directing the respondents to include the names of the petitioners in the panel for promotion of Commercial Inspector / Line Inspector for the year 1999-2000 and to award the consequential benefits.

2. The case of the petitioners is that they were appointed as Helpers by way of direct recruitment on different dates. The next avenue of promotion from the post of Helper is Wireman / Commercial Assistant. Thereafter, the further avenue of promotion is to the post of Line Inspector / Commercial Inspector.

3. The petitioners would submit that in the year 1999-2000 when the panel of promotees was prepared, the names of the petitioners were not included, despite the fact that the petitioners were qualified. Therefore, on 12.08.2004, the first petitioner herein



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made a representation to the 1st respondent to consider his case for promotion. On 20.06.2006, the association viz., Tamil Nadu Electricity Board Thozhilalar Aykkiya Sangam, Chennai, had also made a representation on behalf of the petitioners to the 2nd respondent to revisit the panel for promotion for the year 1999-2000. The 1st respondent had issued a letter dated 04.07.2006 to the 2nd respondent requesting the details of the proceedings. On 28.11.2006, the 1st respondent had recommended the inclusion of the names of the petitioners in the panel for promotion for the year 1999-2000. However, there was no progress in this regard.

4. The association viz., Tamil Nadu Electricity Board Thozhilalar Aykkiya Sangam, Chennai, gave representations dated 23.12.2006 and 14.06.2007 to the 2nd respondent to implement the recommendation dated 28.11.2006 of the 1st respondent. However, the 2nd respondent had not acted upon it. The 2nd respondent had issued an order dated 25.06.2007 to the 3rd respondent to



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implement the order of the 1st respondent. Since no steps were taken, the petitioners are before this Court.

5. In the counter affidavit, the respondents would submit that the petitioners were not considered as they do not come within the zone of consideration. Since the first representation had been given in the year 2004 the main plea of the respondents is that the writ petition is hit by laches. The respondents would also further submit that all the petitioners have been promoted to the post of Special Grade Foreman and that by filing the present writ petition, they are attempting to revise the seniority list.

6. The learned counsel appearing for the petitioners would draw the attention of this Court to the judgment of a Division Bench of this Court, in the case of ***Tamil Nadu Generation and Distribution Corporation Limited and others vs. P.Girish and others*** (W.A.No.2357 of 2019 decided on 31.01.2023) wherein, the



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Bench had deprecated the Dual Channel Promotion system and to implement the Single Channel Promotion System. The Bench, by its order dated 31.01.2023, dismissed the writ appeal. The Bench observed that the settlement under Section 12(3) of the Industrial Disputes Act is binding on all the workers and they cannot make a claim dehors the settlement. The Bench also observed that this Section 12(3) settlement only reintroduces the Dual Channel Promotion and till such time the settlement was given effect to by BP No.256, BP No.106 which is validly issued and upheld by this Court has to be implemented.

7. Therefore, as submitted by the learned counsel for the petitioners, the petitioners who had qualified to be included in the panel for promotion in the year 1999-2000 have to be considered from that date, more particularly, when the 1st respondent had recommended the same.



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In view of the Division Bench judgment of this Court clearly upholding BP No.106 dated 09.04.1996, this writ petition has to be allowed and is accordingly, allowed as prayed for. Consequently, connected M.P. stands closed. No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

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- 2.The Chief Engineer,
Distribution, TANGEDCO,
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