



W.P.No.5162 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.5162 of 2009

and

M.P.No.2 of 2009

L.Padmanathan

...Petitioner

Vs

1.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Villupuram.

2.P.S.Balasubramanian,
Commercial Inspector,
O/o.Assistant Executive Engineer (Rural),
Villupuram Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Villupuram.

3.T.Soundararajan,
Commercial Inspector,
O/o.Assistant Executive Engineer (Rural),
Villupuram Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Villupuram.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in the order passed by the 1st respondent in Ku.Aa.Ae.424/Nir.2/Uthavi.1/Ko.Padhavi Uyarvu/08-09 dated 11.3.2009 relating to the promotion the 2nd and 3rd respondents as Foreman Grade I, quash the same and consequently direct the 1st respondent to place the 2nd and 3rd respondents in their original place of seniority.

For Petitioner : Mr.K.Subburam
For Respondents : Mr.P.Subramanian (TANGEDCO)
Standing counsel

ORDER

The Writ Petition is filed calling for the records in the order passed by the 1st respondent in Ku.Aa.Ae.424/Nir.2/Uthavi.1/Ko.Padhavi Uyarvu/08-09 dated 11.3.2009 relating to the promotion of the 2nd and 3rd respondents as Foreman Grade I and quash the same and consequently direct the 1st respondent to place the 2nd and 3rd respondents in their original place of seniority.

2.Learned counsel for the petitioner and 1st respondent are present.

There is no representation for the respondents 2 and 3.



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3. When the matter is taken up, learned counsel for the 1st respondent quoted from Para.No.13 of the counter affidavit that “future promotion to the post of Junior Engineer Grade.II from the post of Foreman Grade.I will be given only from the date of joining as Line Inspector/Commercial Inspector and therefore, petitioner will not be affected for the reason that petitioner joins as Line Inspector/Commercial Inspector prior to respondents 2 and 3.”

The relevant portion is extracted herein under,

“13) I humbly submit that the Petitioner's contention that the seniority of several persons including the petitioner will be overlooked is not at all correct, because the future promotion (i.e.) Junior Engineer 2nd Grade from the post of Foreman-1 Grade will be given only from the date of joining of Line Inspector/Commercial Inspector and also the Petitioner had joined in the post prior to the respondents 2 & 3.”

4. In response to this submission, learned counsel for the petitioner submitted that if that being so, petitioner has no grievance.

5. Considered the submissions and perused the records.

6. The admitted position is that, petitioner joined as Line



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Inspector/Commercial Inspector prior to respondents 2 and 3. As per the counter affidavit, in Para.No.13, future promotion to the post of Junior Engineer Grade.II from the post of Foreman Grade.I will be considered only on the basis of the date of joining as Line Inspector/Commercial Inspector.

7.Recording the submission made by the learned counsel for the 1st respondent, this Writ Petition is disposed of, with a direction to the 1st respondent to consider the date of joining of the petitioner in the post of Line Inspector/Commercial Inspector as the basis for considering seniority for the promotion to the post of Junior Engineer Grade.II. Accordingly, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. Parties shall bear their own costs.

16.02.2024

Index:Yes/No
Speaking order/Non-speaking order
gd

To
1.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Villupuram.



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G.CHANDRASEKHARAN, J.

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