



W.P.No.13551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13551 of 2024
and
WMP.No.14708 of 2024

A.V.Vaikunta Srinivasan

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Energy (D1) Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
Guindy, Chennai-600 032.
3. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai-600 002.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a WRIT OF MANDAMUS, to direct the second respondent to consider the applications of the petitioner dated 16.11.2023 and 22.11.2023 as per G.O. Ms. No.80, Energy (A1) Department, dated 19.08.2022 as directed by the first respondent vide their letter No.2437/D/2015-2, dated 22.02.2017.

For the Petitioner : Mr.K.Magesh

For Respondents : Mr.Stalin Abimanyu, AGP for
R1
: Mr.Richardson Wilson for R2

ORDER

This Writ Petition is filed for a Writ of Mandamus directing the second respondent to consider the applications of the petitioner dated 16.11.2023 and 22.11.2023 as per G.O.Ms. No.80, Energy (A1) Department, dated 19.08.2022 and as directed by the first respondent vide their letter No.2437/D/2015-2, dated 22.02.2017.

2. The case of the petitioner is that the petitioner is working as



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Deputy Director (Tariff Grade-I) in the 2nd Respondent Commission. There exists a post of Director (Tariff) in the 2nd Respondent Commission. The essential qualification in respect of the said post of Director (Tariff) is as follows:

"DIRECTOR (Tariff)	Post Graduate degree in Economics/ Commerce or MBA in Finance or Chartered Accountant or Cost Accountant.
	20 years experience in finance related activities of which 7 years at managing professional staff.
	Experience in Financial & Cost Management System.
	If sufficient number of candidates satisfying the above minimum qualification are available, they will be fit into Grade - 1.
	If sufficient number of candidates are not available and there is a need to compromise on the above qualification / experience etc. such candidates will be accommodated in Grade II in the same post."

3. As per paragraph 8 of the letter of the Additional Chief Secretary dated 22.02.2017 the said post has to be first filled up by promotion failing which , followed by direct recruitment failing which, followed by deputation failing which, followed by contract basis. Therefore, since the



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petitioner is eligible for promotion, without considering his case for promotion, the respondents are indulging in an exercise so as to fill up the said post by way of deputation. Therefore, the present Writ Petition has been filed.

4. After notice has been ordered, Mr. Richardson Wilson, learned counsel appearing on behalf of the 2nd respondent would submit that, though it may be correct that the qualification as claimed by the petitioner is old as of date, still, even as per the qualification, if suitable candidates with 20 years of experience are available, the petitioner's case cannot be considered. He would further submit that as on today, framing of service regulations afresh for all the posts of the respondents Commission is under way, and the Government of Tamil Nadu, vide letter dated 29.04.2024 has intimated the same that the same is under process, and until the same is completed, it has refrained from filling up any of the posts under the Commission. Therefore, he would only submit that, after further clearance from the government, the posts would be filled. The said exercise will be



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done as per the directions of the government and as per the fresh regulations that may be framed.

5. In view of that matter, this Writ Petition is disposed of on the following terms:

(i) In view of the Letter dated 29.04.2024 bearing letter No. 2783/D1/2024, at present the prayer of the petitioner cannot be acceded to.

(ii) If and when the government permits the filling up of the posts after framing the regulations and the petitioner is eligible as per the regulations, the petitioner will be entitled to renew his claim.

(ii) No costs. Consequently, the connected miscellaneous petition is closed.

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Index : No
Neutral Citation : No
Speaking order: Yes

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