



W.P.No.19485 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19485 of 2020
and W.M.P.No.24090 of 2020

E.Manimekalai

... Petitioner

/vs/

- 1.Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Represented by its Chairman,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer (Personnel)
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer / P &A,
Mettur Thermal Power Station I,
Mettur Dam – 636 406.
- 4.The Superintending Engineer,
Tirupur Electricity Board,
Tirupur.



W.P.No.19485 of 2020

5.The Special Commissioner,
Employment and Training,
Guindy,
Chennai – 600 032.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the concerned records from the 4th respondent, quash the order dated 16.10.2020 bearing Ku.Aa.No.010764/Ni P II/ U 2/Doc No.3358/2018 as illegal, arbitrary and contrary to law and consequently direct the 4th respondent to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

For Petitioner	...	Mr.Balan Haridas for Mr.S.Jim Raj Milton
For Respondents	...	Mr.K.Rajkumar Standing Counsel for R1 to R4 Mr.S.Arumugam Government Advocate for R5



W.P.No.19485 of 2020

ORDER

WEB COPY Heard Mr.Balan Haridas, the learned counsel for the petitioner, Mr.K.Rajkumar, the learned Standing Counsel for R1 to R4 and Mr.S.Arumugam, the learned Government Advocate for R5.

2. The petitioner has filed this writ petition challenging the order of the 4th respondent in Ku.Aa.No.010764/Ni P II/ U 2/Doc No.3358/2018 dated 16.10.2020 and to direct the 4th respondent to reinstate her into service with full back wages, continuity of service and all other attendant benefits.

3. The petitioner was directly recruited by the second respondent to the post of “Technical Assistant” and she worked as “Junior Engineer Grade-II”. On 11.09.2018, the fourth respondent issued a show cause notice vide Ku.Aa.No.010764/ niP II / U2 / Doc.No.3849 /2018 terminating the services of the petitioner stating that she had furnished wrong information relating to her age at the time of appointment. Without prior enquiry, the petitioner was dismissed from service on 16.10.2010. Aggrieved over which the petitioner has filed this writ petition.



W.P.No.19485 of 2020

4. It is learnt that by virtue of a interim order passed by this Court, the petitioner is said to be continuing in service without any break. The petitioner has been sponsored through employment exchange. As per the submission of the learned Standing Counsel for R1 to R4, in the notification sent to the employment exchange, the crucial date is mentioned as 01.01.2013 and on which date the candidate ought to have completed 18 years of age. However, as on 01.01.2013 the petitioner could not have completed 18 years and hence her eligibility is in question.

5. Mr.Balan Haridas, the learned counsel for the petitioner, submitted that the petitioner has been given with interview letter on 11.11.2013 and she had participated in the interview on 09.12.2013; on the said date the petitioner has become major and hence there is no question of terminating her stating that she has given wrong details; in fact the petitioner's date of birth i.e. 03.06.1995 is not denied; even as per the Tamil Nadu Electricity Board Service Regulations, no person is eligible for appointment to any class of service unless he has attained the age of 18 years as on the first day of July of the said year; in this case the recruitment has started in the year 2013



W.P.No.19485 of 2020

and hence the eligible age would relate back to 01.07.2013 and it cannot be 01.01.2013; if the age of petitioner is calculated by having the cut off date as 01.07.2013 on the date when she attended the interview or called to attend the interview, she would have crossed 18 years; even for any reasons unknown, the respondents have kept the cut off date as 01.01.2013; it is the obligation of the respondents to check whether the sponsored candidates have completed 18 years before sending them the call letter for interview.

6. Mr.K.Rajkumar, the learned Standing Counsel for R1 to R4, submitted that in the earlier judgment rendered by this Court in batch of Writ Petitions in W.P.15936 of 2013 and batch the following conclusions have been arrived:

“ 1. The respondents are directed to issue a detailed notification indicating the number of posts, qualification required, method of selection, rule of reservation and any other selection process involved for all the future vacancies.

2. The respondents are directed to verify the documents produced by all the selected candidates including the check list and in case of any discrepancy, to take appropriate action against such of the selected candidates including Mr.Karthik Nivas after affording



W.P.No.19485 of 2020

an opportunity of being heard.

3. The respondents are also directed to verify the age of those selected candidates as on the last date of receipt of applications and if they are found to be minors, appropriate action will have to be taken by following due procedure.”

7. It is claimed that as per the third point of the above order, the last date of receipt of application should be taken as the date of calculating the age of the applicants. In the instant case no notification has been given. Even if certain notification has been given on 30.05.2013 for the post of “Apprentice”, the last date is mentioned as 22.06.2013. So far as the petitioner is concerned, she has joined as “Technical Assistant” and for which no notification was given and hence it is difficult to find out which is the last date of receipt of applications. Hence, the petitioner, at any cost, is not responsible for sending her application or attending the interview before she could attain the eligible age.

8. If the respondents have given any notification stating that the date of age has to be calculated as 01.01.2013, that cannot be within the knowledge of the petitioner at all because it is the communication between



W.P.No.19485 of 2020

the employment exchange and the Tamil Nadu Electricity Board. That is the reason why it has been emphasized in the earlier paragraphs that the duty is cast upon the Board respondents to ascertain the age of the sponsored candidates before sending them the call letter.

9. Having satisfied with the candidature of the petitioner that she has got the eligibility to attend the interview for the post of “Technical Assistant” on 11.11.2013, on which date the petitioner was eligible in view of her completion of 18 years of age, the respondents cannot turn back and claim that the petitioner has failed to challenge the notification which is unknown to her.

10. In the absence of any notification and in the absence of any rejection order passed by the respondents immediately after the name of the petitioner was sponsored from the employment exchange, the possible date that can be taken into consideration would be the date of call letter which was sent from the petitioner, which is on 11.11.2013. It is reiterated that as on 11.11.2013 the petitioner has got the eligible age of 18 years. Even as per



W.P.No.19485 of 2020

the Tamil Nadu Electricity Board Service Regulation, the petitioner has attained the age of 18 years as on the first day of July of the year 2013. In which ever angle the matter is looked upon, the petitioner does not suffer from any age inability and hence the impugned orders are liable to be set aside.

11. Accordingly, this writ petition is allowed and the impugned order passed by the 4th respondent vide Ku.Aa.No.010764/Ni P II/ U 2/Doc No.3358/2018, dated 16.10.2020 is hereby quashed and the 4th respondent is directed to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits, within a period of six weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

11.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
bkn



W.P.No.19485 of 2020

WEB COPY To:

- 1.The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer (Personnel)
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer / P &A,
Mettur Thermal Power Station I,
Mettur Dam – 636 406.
- 4.The Superintending Engineer,
Tirupur Electricity Board,
Tirupur.
- 5.The Special Commissioner,
Employment and Training,
Guindy,
Chennai – 600 032.



WEB COPY



W.P.No.19485 of 2020

R.N.MANJULA ,J.

bkn

W.P. No.19485 of 2020

11.03.2024