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W.A.No.2485 of 2018, etc and batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2485 of 2018

and

W.P.Nos.10374 of 2016 & 13055 of 2017

and

C.M.P.No.20150 of 2018

and

**W.M.P.Nos.9157 of 2016, 13932 of 2017 & 2903, 2904
& 2905 of 2018**

W.A.No.2485 of 2018:

1.M.D.Chandrasekar

2.M.Jothilakshi

3.S.Mahesh

4.J.Deepa

... Appellants

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Limited,
Rep. by its Secretary,
No.144, Anna Salai,
Chennai – 600 002.



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2.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.

3.TNEB Engineers Sangam
Represented by its General Secretary,
793, Anna Salai,
Chennai – 600 002.

... Respondents

[R3 impleaded as party respondent in order dated 30.01.2019
made in CMP.No.22709/2018 in WA.No.2485/2018]

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the
order dated 26.10.2018 passed in W.P.No.28092 of 2018 and allow the writ
appeal.

For Appellants : Mrs.Uma.C

For R1 & R2 : Mr.K.Raj Kumar
Standing Counsel
[For TANGEDCO]

For R3 : Mr.Sundar Narayan

W.P.No.10374/2016:

Ero Velai Illa Pattatharigal Sangam,
Represented by its General Secretary,
(Registration No.1/2015),
No.40, Sri Selvam Nagar, Perundurai Road,
Erode 638 012.

... Petitioner



W.A.No.2485 of 2018, etc and batch

Vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 2.The Tamil Nadu Generation and Distribution
Corporation Limited,
Rep. by its Secretary,
144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.
- 4.TNEB Engineers Sangam
Represented by its General Secretary,
793, Anna Salai,
Chennai – 600 002.
- 5.G.Gayathri
- 6.A.Kalaiyarasi
- 7.Nirmala Devi
- 8.R.Kailasam
- 9.M.Umamaheswari
- 10.R.Manivasagam
- 11.R.Venkatesh



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12.T.Uthaya Kumar

13.N.Sundar

... Respondents

[R4 to R13 impleaded as per order dated 12.09.2017 made in WMP.Nos.25947 & 28299/2016 in W.P.No.10374/2016]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents (1) to (3) to permit the members of the petitioner Association and other similarly placed graduate engineers with B.E., degree in Electrical / Mechanical Engineering or equivalent qualification to apply online for the posts of Technical Assistants / Electrical & Technical Assistants / Mechanical notified under Notification No.1/2016 dated 28.02.2016, to take part in the proposed competitive written examination scheduled on 03.04.2016, compete with other eligible candidates and secure selection on the basis of merit.

For Petitioner : Mr.G.V.Mohan Kumar

For R1 to R3 : Mr.K.Raj Kumar
Standing Counsel
[For TANGEDCO]

For R4 : Mr.Sundar Narayan

For R5 to R13 : Mr.L.Chandra Kumar



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W.P.No.13055/2017:

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Tamil Nadu Electricity Board Engineers Sangam,
Reg.No.124/MDS,
Rep. by its General Secretary,
R.Badri Narayanan,
Having Office at No.144, Anna Salai,
Chennai – 600 002.

... Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Limited,
Represented by its Chairman,
No.144, Anna Salai,
Chennai – 600 002.

2.The Tamil Nadu Generation and Distribution
Corporation Limited,
Rep. by its Secretary,
144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

4.C.Murugan

5.K.Harshath

6.D.Kavitha

7.R.Sanofar



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8.K.Shahana

9.T.Aswin Babu

10.K.Gayathri

11.R.Sundara

12.K.Jeevagan

13.S.Raja

14.S.Vignesh

15.P.Harikrishnan

16.S.Dhaha Roohulla

... Respondents

[R4 to R10 impleaded as per order dated 29.01.2018 made in WMP.No.34499/2017 in W.P.No.13055/2017]

[R11 to R16 impleaded as per order dated 29.01.2018 made in WMP.No.34501/2017 in W.P.No.13055/2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring Note 2 to Regulation 94(a) of the Tamil Nadu Electricity Board Service Regulations to be ultravires as offending Articles 14, 16 and 21 of the Constitution of India and consequently declare Clause 4(D) of the Employment Notification of 28.02.2016 as void insofar as it allows Graduate Engineers to also compete in the selection for the 525 posts of Technical Assistants notified under the said Employment Notification and issue such further or other appropriate orders, directions.



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For Petitioner : Mr.Sundar Narayan
For R1 to R3 : Mr.K.Raj Kumar
Standing Counsel
[For TANGEDCO]
For R4 to R10 : Ms.S.Varsha
For R11 to R16 : Mr.Naveen Kumar

COMMON JUDGMENT

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ petitions were instituted before the Writ Court for direction to the TANGEDCO to complete the process of selection for 500 Technical Assistant / Electrical and Technical Assistant / Mechanical as per the procedures set out in the Notification No.1 of 2016 dated 28.02.2016 by fixing an early date for interview and permitting the selected candidates in the ratio of 1:5, to attend the interview based on the ranking and as per the Rule of Reservation.

2. The issue raised based on the recruitment notification dated 28.02.2016. Near about 8 years lapsed. The very relief sought for in the writ



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petition itself lost its relevance. The Writ Court dismissed the writ petition mainly on the ground of entertainability.

3. The relief based on such recruitment notification as rightly held by the Writ Court cannot be entertained unless the terms stipulated in the notification is violative of the Service Rules applicable to the post. Since the appellant has not established any such grounds, the Writ Court dismissed the writ petition. On account of efflux of time even the said issue lost its relevance, since the selection process was completed.

4. Thus, the Writ Petitions are dismissed and consequently, the Writ Appeal stands dismissed. No costs. Connected Miscellaneous Petitions are closed.

[S.M.S., J.] [C.K., J.]
13.06.2024

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Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking Order



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To

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- 1.The Secretary,
The Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.
- 3.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai,
Chennai – 600 002.



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W.A.No.2485 of 2018, etc and batch

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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W.A.No.2138 of 2019, etc & batch

13.06.2024