



W.P(MD).No.2306 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 14.08.2024

ORDER PRONOUNCED ON : 19 .08.2024

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.2306 of 2022
and WMP(MD).Nos.16250 of 2022 & 12542 of 2024**

G.Sabudoss

....Petitioner

Vs

1.The Chairman and Managing Director
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
10th Floor, NPKRR Maaligai
No.144, Anna Salai, Chennai 600 002

2.The Chief Engineer/Personnel
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
No.144, Anna Salai, Chennai 600 002

3.The Superintending Engineer
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
Trichy Electricity Distribution Circle/Metro
Mannarpuram, Tiruchirappalli 620 020

4.The Executive Engineer
Operation and Maintenance/Urban
The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd., (TANGEDCO)
Thennur, Tiruchirappalli 620 017

....Respondents



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Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for all the relevant records pertaining to the impugned order passed by the 2nd respondent in Memo No. 065973/157/G.45/G.451/2021-2, dated 15.10.2021 and as communicated by the third respondent vide his order dated 22.11.2021 in Memo No.86/Ni.Pi. 4/Vu.2/Ko.Ni.Ma.Va/2021-4 and quash the same and consequently direct the respondents to grant promotion to the petitioner to the post of Foreman Grade-I, w.e.f.18.03.2020 on par with his juniors.

For Petitioner : Mr.J.Sanjey Vignesh

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

The instant writ petition has been filed by a Line Inspector in the respondents corporation seeking to quash the order passed by the second respondent dated 15.10.2021 wherein the request of the writ petitioner's promotion to the post of Foreman Grade-I with effect from 18.03.2020 has been rejected and the said order was communicated by the third respondent vide proceedings dated 22.11.2021.

2.While the petitioner was working as a Line Inspector, he was issued with a charge memo on 13.08.2018 and after conducting an enquiry by way of a final order dated 24.03.2021, was imposed with a punishment of stoppage of next annual increment for a period of 3 years without cumulative



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effect excluding the period, if any, spent on leave. The petitioner has not chosen to challenge the said order of punishment and the same had attained finality.

3.The grievance of the writ petitioner is that for the year 2019-2020, a panel was prepared for promotion to the post of Foreman Grade-I. The crucial date of inclusion of the name in the said panel is 30.10.2018. However, his name was not included in the said panel. The next panel was prepared for the year 2021-2022. The crucial date for inclusion of the name in the said panel is 31.10.2021. However, his name was not included in the panel.

4.It is further contended on the side of the writ petitioner that another panel for the year 2023-2024 for which the crucial date for inclusion of the name in the panel is 31.10.2023. Even in the said panel, his name has not been included.

5. According to the writ petitioner, the punishment of the postponement of increment for a period of 3 years has got concluded on 01.04.2023 and therefore, his name should have been considered at least in the panel for the year 2021-2022.

6.Per contra, the learned standing counsel appearing for the respondent corporation had relied upon the Memorandum (Per) No. 78706/A18/A181/2012-1, dated 23.11.2012 wherein a clarification has been issued for preparation of panel for promotion when a punishment of stoppage



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of increment has been imposed. The learned standing counsel for the respondents referred to the example cited in paragraph No.2 of the said proceedings and contended that though stoppage of increment order was passed on 24.03.2021, it would get implemented only from 01.04.2022 and it would get concluded only on 31.03.2024. Therefore, the petitioner cannot have any grievance for non-inclusion of his name either in the panel for the year 2019-2020 or 2021-2022 or 2023-2024. His request for promotion could be considered only when a panel prepared for which the crucial date is after 01.04.2024. Hence, he prayed for dismissal of the writ petition.

7.I have considered the submissions made on either side and perused the material records.

8.The petitioner has been issued with a charge memo on 13.08.2018 and he was imposed with a punishment of postponement of increment for 3 years without cumulative effect on 24.03.2021. It is an admitted fact that the increment of the writ petitioner falls on the first date of April every year. Therefore, it is clear that the punishment of postponement of increment was the first implemented upon the writ petitioner on 01.04.2021 and it got concluded on 01.04.2023. It is also an admitted fact that there is no check period under the Service Rules of TANGEDCO to bar a candidate from being considered for promotion even after the completion of the punishment period.



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9. When the panel for the year 2019-2020 was prepared based upon the crucial date of 31.10.2018, the petitioner was facing a charge memo and therefore, his name cannot be included. When the next panel was prepared in the year 2021-2022 with the crucial date of 31.10.2022, the petitioner was still undergoing the punishment and therefore, his name was not considered. The punishment inflicted upon the writ petitioner got concluded on 01.04.2023. Therefore, if any panel is prepared after 01.04.2023 and the crucial date for the said panel falls after 01.04.2023, certainly the name of the writ petitioner has to be included, if there is no other disciplinary proceedings pending as against him.

10. Under the impugned order, the request of the petitioner for inclusion of his name in the panel for the year 2021 has been rejected. Since the petitioner was facing a charge memo under the impugned order, his request has been rightly rejected. Therefore, there are no merits in the present writ petition. However, it is made clear, that if any panel is prepared in which, the crucial date for inclusion of the name in the panel is after 01.04.2023, certainly the name of the petitioner has to be considered for inclusion in the panel, if no other departmental proceedings are pending against him.



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WEB COPY 11. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.08.2024.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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