



W.P.(MD)No.11053 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.06.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11053 of 2024
and
W.M.P.(MD).Nos.9849 & 9850 of 2024

K.Manikanda Narayanan

... Petitioner

Vs.

1. The Chairman Cum Managing Director,
TANGEDCO Department,
N.P.K.R.R Maligai,
Annasalai, Chennai - 600 002.
2. The Administrative Supervisor,
Chief Engineer / Distribution,
Trichy Office,
TANGEDCO,
Thennur,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in (Per.) CMD TANGEDCO Proceedings No.47 dated 13.03.2024 on the file of the 1st respondent and to quash the same and consequently direct the first respondent to include the petitioner's name in the panel for the post of Executive Engineer (Electrical) for the year 2023-2024 and thereby promote the petitioner as Executive Engineer (Electrical) with all attended benefits.



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For Petitioner : Mr.S.Sylverster Raj

For Respondents : Mr.B.Ramanathan,
Standing Counsel

ORDER

Heard Mr.S.Sylverster Raj, learned counsel appearing for the petitioner and Mr.B.Ramanathan, learned Standing Counsel appearing for the respondents.

2. The petitioner has challenged the impugned order dated 13.03.2024 in which 58 names of the Assistant Executive Engineers have been included in the panel for the promotion to the post of Executive Engineer (Electrical) for the year 2023-2024 in Division-III (Electrical), Category-3, Class-I of Tamil Nadu Electrical Board Service Regulations r/w the Tamil Nadu Electricity (Re-Organisation and Reforms) Transfer Scheme 2010.

3. Mr.S.Sylverster Raj, learned counsel appearing for the petitioner would submit that there is no reason for rejecting the petitioner's promotion even if an FIR has been registered against him.

4. The third party seems to have been given a complaint against the petitioner with regard to some other dispute between himself and the petitioner.



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The complaint has got nothing to do with the service of the petitioner and so far charge sheet has not been filed. The petitioner has not given with a reason as to why his name has not been included in the panel. However, the petitioner is not deprived to file any appeal as per regulation 98(2)(b) of the Tamil Nadu Electricity Board Service Regulations r/w Tamil Nadu Electricity (Re-organization and Reforms) Transfer Scheme 2010 and raise all his grievance before the appropriate authority.

5. Since the petitioner has directly filed this writ petition without invoking the statutory remedy, liberty may be given to the petitioner to file an appeal before the competent authority as per Regulation 98(2)(b) of the Tamil Nadu Electricity Board Service Regulations r/w Tamil Nadu Electricity (Re-organization and Reforms) Transfer Scheme 2010. Since FIR has not been connected to the petitioner's official duties, I feel that the respondents shall consider and pass appropriate orders forthwith. Since the petitioner's name has already been proposed and no reason has been assigned for not including him in the panel, I find that the petitioner has got good grounds for appeal.

6. In view of the above, the Writ Petition is **disposed of** with a direction to the petitioner to file an appeal within the statutory time before the competent



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authority and on receipt of the same, the respondents are directed to consider and pass orders on merits and in accordance with law by taking into consideration on the above observations within a period of three weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

03.06.2024

Index:yes/no
Internet:yes/no
Ncc : yes/no
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R.N.MANJULA, J.

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