



W.P.(MD) Nos.13640 and 13641 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.13640 and 13641 of 2020

and

W.M.P.(MD) Nos.11348 and 11349 of 2020

W.P.(MD) No.13640 of 2020:

C.Pandi

... Petitioner

Vs.

- 1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep., by its Chairman,
144, Annasalai, Chennai-2.
- 2.The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Annasalai, Chennai-2.
- 3.The Superintending Engineer,
O/o. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Virudhunagar District.
- 4.The Executive Engineer,
O/o. The Executive Engineer,



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The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent *vide* his impugned proceedings Memo.No.061753/771/G.29/G.292/2019, dated 20.09.2019 and quash the same as illegal and consequently to direct the respondents to promote the petitioner notionally to the post of Assistant on par with his junior and consequently to direct the respondents to disburse all consequential service and monetary benefits within the period that may be stipulated by this Court.

W.P.(MD) No.13641 of 2020:

N.Ravi

... Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep., by its Chairman,
144, Annasalai, Chennai-2.



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- 2.The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Annasalai, Chennai-2.
- 3.The Superintending Engineer,
O/o. The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni District.
- 4.The Executive Engineer,
O/o. The Executive Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Periyakulam, Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents to promote the petitioner notionally to the post of Assistant on par with his junior and consequently direct the respondents to disburse all consequential service and monetary benefits within the period that may be stipulated by this Court.

In both cases:

For Petitioner	:	Mr.Mohammed Suhail for M/s.Ajmal Associates
For Respondents	:	Mr.S.Arivalagan Standing Counsel



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COMMON ORDER

The issue that arises for consideration in these two writ petitions is one and the same. Hence, both the writ petitions are heard together and are being disposed of by this common order.

2. W.P.(MD) No.13640 of 2020 has been filed challenging Memo. No.061753/771/G.29/G.292/2019, dated 20.09.2019 issued by the 2nd respondent rejecting the claim of the petitioner for promotion on par with his juniors for the panel year 1998-1999.

3. W.P.(MD) No.13641 of 2020 has been filed to issue a Writ of Mandamus directing the respondents to promote the petitioner notionally to the post of Assistant on par with his junior and consequently to direct the respondents to disburse all consequential service and monetary benefits

4. It is the case of the petitioner in W.P.(MD) No.13640 of 2020 that he became eligible for the post of Assistant on passing of the Subordinate



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Officers Accounts Test by appearing for the said examination on 30th May, 1998 and in spite of the petitioner being qualified, the respondents have not considered his case for promotion to the post of Assistant during the panel year 1998-1999 on the ground that the petitioner was not qualified as on the crucial date, i.e., 20th March, 1998, though the panel was prepared only in the month of October, 1998. In nutshell, it is the contention of the petitioner that as on the date of preparation of the panel in the year 1998, the petitioner was fully qualified for the post of Assistant, but his name was not considered. For promotion to the post of Assistant, panel was prepared during the panel year 1998-1999, whereas the petitioner, for the first time submitted representation on 23.01.2019, i.e., after he having been promoted for further higher post and then, approached this Court by filing W.P.(MD)No.16293 of 2019. This Court, without going into the merits of the case, directed the respondents to consider the representation submitted by the petitioner. The said representation was considered and the claim of the petitioner was rejected through the impugned memo stating that the petitioner was not qualified as on the crucial date, i.e., 20th March, 1998.



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5. In view of the above, without going into the merits of the case, W.P.(MD) No.13640 of 2020 is liable to be dismissed on the ground of delay and laches.

6. The promotions that were effected to the post of Assistant were as early as during the panel year 1998-1999 and for almost more than a decade, the petitioner has kept quiet without raising any dispute. However, after he being promoted to the further higher post, while holding the post of Account Supervisor, the petitioner raised objection for not considering his case for promotion during the panel year 1998-1999. Thus, the petitioner has not raised little finger for about a decade after his name was omitted to be considered.

7. Then coming to the merits of the case, admittedly, the petitioner was not qualified as on the crucial date, i.e., 20th March, 1998 for promotion to the post of Assistant and he became qualified only in the month of May, 1998. The crucial date, that is, relevant for preparation of the panel for



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promotion is only 20th March of the relevant year. Admittedly, the petitioner was not qualified as on the crucial date of the year 1998. In the absence of the same, there is no basis for the claim of the petitioner. When the panel for the particular year is prepared is totally a relevant factor. It is only when the panel is being prepared, the same is to be prepared with reference to the crucial date of the relevant panel year. In the instant case, the 2nd respondent has taken into consideration all the eligible candidates as on the crucial date of the panel year 1998-1999 and acted accordingly. This Court does not find any error or illegality in the impugned memo issued by the 2nd respondent. In the circumstances, W.P.(MD) No.13640 of 2020 is dismissed on merits as well as on the ground of laches.

8. Then coming to W.P.(MD) No.13641 of 2020, this is also a case where the petitioner got himself qualified in the month of May, 1998, and admittedly not qualified as on the crucial date, i.e., 20th March, 1998. In view of the same, the claim of the petitioner in this writ petition also in the same lines that of the petitioner in W.P.(MD) No.13640 of 2020. For the very same reasons assigned in W.P.(MD) No.13640 of 2020, W.P.(MD) No.13641 of



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2020 is also dismissed both on the ground of merits as well as on the ground of latches.

9. In the result, both the writ petitions are dismissed as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

15.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR

To

1.The Chairman,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Annasalai, Chennai-2.

2.The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Annasalai, Chennai-2.



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- 3.The Superintending Engineer,
O/o. The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Virudhunagar District.
- 4.The Executive Engineer,
O/o. The Executive Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Virudhunagar,
Virudhunagar District.
- 5.The Superintending Engineer,
O/o. The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni District.
- 6.The Executive Engineer,
O/o. The Executive Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Periyakulam, Theni District.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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