



W.P.(MD).Nos.15490 of 2023 and 3326 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.15490 of 2023 and 3326 of 2024

and

W.M.P(MD) Nos.13045, 23026 of 2023 and 3307 of 2024

W.P(MD) No.15490 of 2023:

P.Balasubramanian
Special Grade Foreman Driver,
Tamil Nadu Electricity Board,
Dindigul Electricity Distribution Circle,
Dindigul Post and District.

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai – 600 002.
2. The Chief Engineer,
TANGEDCO,
Trichy.
3. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO,
Dindigul.



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4. The Superintending Engineer,
Coimbatore Electricity Distribution Circle,
(South) TANGEDCO,
Coimbatore.

5. The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO, Madurai.

6. The Chief Engineer,
TANGEDCO,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the recovery order passed by the fourth respondent in Ku.Aa.No.002589/323/Nee.Pi-2(3)/Koo.Vazhakku Pa.Voo.E.2022-1, dated 31.05.2023 (received on 17.06.2023) to quash the same.

For Petitioner : Mr.B.Karunanithi

For Respondents : Mr.B.Ramanathan
Standing Counsel

W.P(MD) No.3326 of 2024:

P.Balasubramanian
Special Grade Foreman Driver,
Tamil Nadu Electricity Board, TANGEDCO,
Dindigul Electricity Distribution Circle,
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... Petitioner

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TANGEDCO,
Dindigul.
4. The Superintending Engineer,
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(South) TANGEDCO,
Coimbatore.
5. The Superintending Engineer,
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TANGEDCO, Madurai.
6. The Chief Engineer,
TANGEDCO,
Coimbatore.

7. P.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order revising the seniority of the petitioner passed



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by the third respondent in Ku.Aa.No.016075/572/Nee.Pi-2/Nee.Vu.2/Koo. Ootunar Pa.Moo/2023, dated 27.12.2023 to set aside the same and to restore the original seniority of the petitioner in S.No.2 over and above the 7th respondent as per the Heavy Vehicle Driver seniority list dated 17.08.2010 passed by the third respondent.

For Petitioner : Mr.B.Karunanithi

For R1 to R6 : Mr.B.Ramanathan
Standing Counsel

For R7 : Mr.K.Anandan

COMMON ORDER

These writ petitions have been filed by a Special Grade Foreman Driver working in Dindigul Circle of TANGEDCO, challenging the order of re-fixation of seniority and the consequential order of recovery.

2. A perusal of the typed set of papers reveals that the petitioner was initially appointed as a Driver in the Coimbatore Circle. Instead of granting promotion as a Senior Driver after completion of six years, it is alleged that the petitioner was granted promotion within a period of two years and thereafter, the petitioner was transferred from Coimbatore Circle to Madurai



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Circle. Now the petitioner is working in Dindigul Circle.

3. By way of proceedings dated 22.07.2022 and consequential proceedings dated 29.07.2022, the respondents 4 and 5 namely the Superintending Engineer of Coimbatore Circle and Madurai Circle respectively have passed orders revising the seniority of the petitioner and de-promoted the petitioner from the post of Senior Driver to Driver with effect from 28.09.1998. These orders were put to challenge by the petitioner in W.P(MD) No.19915 of 2022. This Court, by an order dated 16.10.2024, has set aside these two orders and remitted the matter back to the file of the fourth respondent herein to pass orders after considering the explanation offered by the writ petitioner.

4. Based upon the orders passed by the Coimbatore and Madurai Circle, namely, the respondents 4 and 5, the orders impugned in W.P(MD) Nos.15490 of 2023 and 3326 of 2024 have been passed by the Dindigul Circle. Only based upon these orders the revision of seniority order has been passed by the Dindigul Circle and challenging the same, W.P(MD) No.3326 of 2024 has been filed. The recovery orders have been passed by the Coimbatore Circle. Challenging the same, W.P(MD) No.15490 of 2023 has



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been filed.

5. The narration of the above said facts make it clear that the reason for passing the impugned orders in both the writ petitions is the order passed by the respondents 4 and 5 on 22.07.2022 and 29.07.2022. Since those orders have already been set aside by this Court in W.P(MD) No.19915 of 2022, by an order dated 16.10.2024, the consequential order passed by the Coimbatore Circle and Dindigul Circle have to be set aside.

6. In view of the above said deliberations, both the Writ Petitions stand allowed. In case if any adverse orders are passed as against the writ petitioner by the Coimbatore and Madurai Circle, based upon the remand order passed by this Court, it is open to Dindigul and Coimbatore Circle to pass consequential orders. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

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