



W.P.(MD) No.18998 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18998 of 2020

&

WP(MD)No.15937 of 2020

P.Daisy

... Petitioner

Vs.

1.The Chairman cum Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
New No.144, Anna Salai
Chennai-2

2.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Rep by its Secretary
New No.144, Anna Salai, Chennai-600 002

3.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
New No.144, Anna Salai
Chennai-600 002

... Respondents



W.P.(MD) No.18998 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in (Per) FB TANGEDCO Board Proceedings No.25 dated 24.05.2014 on the file of the respondent No.2 in so far as the minimum general education qualification prescribed for the Junior Assistant in the Accounts cadre in so far as appointment by internal selection for the existing employees as on the date of the impugned proceedings is concerned and quash the same as illegal and consequently for a direction, directing the respondents to consider the petitioner to the post of the Junior Assistant in the Administration Cadre through internal selection within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mrs.S.Parameswari

ORDER

This Writ Petition has been filed questioning the proceedings in (Per) FB TANGEDCO Board Proceedings No.25 dated 24.05.2014 issued by the 2nd respondent.

2. When the Writ Petition is taken up for consideration, the learned



W.P.(MD) No.18998 of 2020

counsel appearing for the petitioner submitted that the very same impugned proceedings was challenged in W.P.No.19516 of 2015, before the Principal Bench of this Court and the same was dismissed by an order dated 23.11.2017. It is further brought to the notice of this Court that the appeal filed against the said order in W.A.No.1736 of 2014 was also dismissed on 08.08.2023. However, learned counsel for the petitioner contended that the learned Division Bench while dismissing the W.A.No.1736 of 2014 made certain observations permitting the employees affected by the impugned proceedings to make a representation seeking relaxation of the relevant rules and for consideration of the same in accordance with law and seeks indulgence of this Court to pass a similar order in this Writ Petition as well.

3. This Court has gone through the order passed by the learned Division Bench of this Court in W.A.No.1736 of 2014 dated 08.08.2023. The very same impugned proceedings in (Per) FB TANGEDCO Board Proceedings No.25 dated 24.05.2014 was the subject matter in the said Writ Appeal and the same was dismissed by the Division Bench of this Court. The relevant portion from the order passed by the learned Division Bench reads as



W.P.(MD) No.18998 of 2020

under:

“... ”

35. However, the challenge made in the writ petition challenging the clause 6 (13) of the scheme under G.O.No.100 and a consequential FB proceedings No.25 dated 24.05.2014 in the other writ petition, which has been rejected by the learned Judge through the impugned order cannot be considered to be a effective challenge against the respective impugned communications or G.Os of scheme covered. Therefore, in this context, the approach of the learned judge in rejecting the plea raised by the appellant before the Writ court in the impugned order cannot be found fault with or it cannot be treated as an erroneous approach, hence, the writ appeal also should fail.

36. Before parting with the case, we want to make an observation that, it was brought to our notice by the learned counsel appearing for the appellant/petitioner that there is a provision available in the existing service



W.P.(MD) No.18998 of 2020

regulation to relax any of the provisions of the regulations i.e., few affected employees by virtue of this amendment by making a fresh qualification or additional qualification of degree for promotion to the two posts mentioned above wanted to make a representation to the respondent TANGEDCO and if any such representation is made by them, it is open to the respondent TANGEDCO to consider the same sympathetically in view of the long service that they have rendered in the respondent TANGEDCO and it is purely at their discretion to decide the said issue on merits and in accordance with law.

With these observations and the aforesaid orders, both writ petition as well as writ appeal are dismissed. No costs.”

4. In the light of the above, this Court is inclined to dispose of the Writ Petition in terms of paragraph 36 of the order passed by the learned Division Bench. The petitioner herein is also granted liberty to make



W.P.(MD) No.18998 of 2020

appropriate representation before the respondents seeking relaxation of the relevant rules and in case if any such representation is made, the same shall be considered by the respondents in the light of the observations made in paragraph 36 of the order passed in W.A.No.1736 of 2014 dated 08.08.2023. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

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



W.P.(MD) No.18998 of 2020

WEB COPY

To

1.The Chairman cum Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
New No.144, Anna Salai, Chennai-2

2.The Secretary
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
New No.144, Anna Salai, Chennai-600 002

3.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
New No.144, Anna Salai
Chennai-600 002



WEB COPY



W.P.(MD) No.18998 of 2020

MUMMINENI SUDHEER KUMAR, J.

kpr

W.P.(MD) No.18998 of 2020

15.02.2024