



W.P.(MD)No.22054 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22054 of 2021
and
W.M.P.(MD)No.18662 of 2021

1.S.Thulasimani
2.S.Sudalaivadivu
3.S.Manohar
4.S.Kumar
5.V.Shanmugathai

... Petitioners

Vs.

1.The Chairman/Director,
Tamilnadu Generation and Distribution Corporation Limited,
(TANGEDCO), (formerly TNEB),
144, Anna Salai,
Chennai – 600 002.

2.The Secretary,
Tamil Nadu Electricity Board (TNEB),
Presently known as Tamil Nadu
Generation and Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai,
Chennai – 600 002.

3.The Chief Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli Region.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant promotion to the petitioners in the post of helper or any other alternative post.

For Petitioners : Mr.G.Karthick
For M/s.Lajapathi Roy Associates
For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

This Writ Petition has been filed, to direct the respondents to grant promotion to the petitioners in the post of helper or any other alternative post.

2.The facts, which led to the filing of the Writ Petition in brief is as follows:-

All the petitioners are working in the post of Part Time Sweepers for the past 25 years, without any promotion or pay revision. Vide proceedings dated 20.03.1997, the respondent Board has decided to absorb the existing Part Time Sweepers/Scavengers in a regular time scale of pay. Following which, by yet another proceedings dated 14.10.1998, the Board has ordered to revise the scale of pay with retrospective effect. During 2011, the Board had decided to absorb the Part Time Conservancy Workers with retrospective effect from 04.04.2003 and to grant regular time scale of pay with retrospective effect. The petitioners have been working as Part Time Sweepers/Sanitary Workers in a consolidated pay in the Tirunelveli EDC for the past several years. After creation of posts,



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TANGEDCO had permanently absorbed them in regular time scale of pay with retrospective effect and agreed to give arrears in two installments, i.e., first installment in October 2011 and the second installment in April 2012. Accordingly, the arrears to which, they are entitled were disbursed to them. However, no promotional avenue is available to the petitioners. Though all the petitioners are qualified to be appointed in the post of Helper, which carries higher scale of pay, they are not appointed as Helpers. Hence, the petitioners have made a representation in this regard, on 11.11.2021, to the respondents 1 and 2 to consider their case for promotion to the post of Helper, which carries higher scale of pay. However, the same was not considered. Hence, the Writ Petition came to be filed.

3.Heard the learned counsel for the petitioners, the learned Standing Counsel for the respondents and carefully perused the materials available on record.

4.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5.Considering the limited scope of relief sought for by the petitioners, this Court hereby direct the respondents 1 and 2 to consider the petitioners representation, dated 11.11.2021 and pass appropriate orders within a period of 8 weeks from the date of receipt of copy of this order.

6.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

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



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L.VICTORIA GOWRI, J.

Mrn

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